



Inver Grove Heights Planning Commission

Tuesday, June 6, 2023 at 7:00 PM

8150 Barbara Avenue, Inver Grove Heights, MN 55077

AGENDA

NOTICE TO RESIDENTS: Individuals may submit written public comments in advance of the meeting by emailing comments to Stacy Bodsberg (sbodsberg@ighmn.gov). Comments received prior to 4:00 p.m. on Tuesday, June 6, 2023, will be provided to the Commission at or before the June 6, 2023 meeting.

1. **Call to Order**
2. **Oath of Office**
3. **Roll Call**
4. **Election of Officers**
 - A. Election of 2023 Planning Commission Chair, Vice-Chair and Secretary.
5. **Consent Agenda**
 - A. Approval of the May 2, 2023, Planning Commission Meeting Minutes.
 - B. Approval of the May 16, 2023, Planning Commission Meeting Minutes.
6. **Public Hearings**
 - A. Consider a Request by Brett Phares, 6938 Booth Ave, for a Variance to allow a Lot Line Adjustment that creates a lot to be less than eighty-five (85) feet wide. (Case No. 23-20V)
 - B. Consider a Request by Ryan Rechtzigel, 5850 Asher Ave, for an after-the-fact Variance to allow a detached accessory structure 1,365 square feet in size, whereas 1,000 gross square feet is the maximum size allowed. (Case No. 23-23V)
 - C. Consider a Request by Ilya Zubarev, PID No. 20-81403-00-010, for a Comprehensive Plan Amendment to change the Land Use from Mixed Use to MDR, Medium Density Residential for a potential townhome development located on a lot at the southeast corner of Buckley Way and Buckley Circle. (Case No. 23-21PA)
 - D. Consider a Request by RhinoTech Inc., 6286 Claude Way, for a Conditional Use Permit to allow manufacturing in I-1, Limited Industry Zoning District. (Case No. 23-22CUP)
7. **Commission and Staff Comments**
8. **Adjourn**

June 6, 2023 - Planning Commission Agenda

This document is available upon a one (1) business day request in alternate formats such as braille, large print, audio recording, etc. Please contact Stacy Bodsberg, Community Development Support Specialist, at 651-450-2545 or sbodsberg@ighmn.gov.

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, May 2, 2023 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

Chair Niemioja called the Planning Commission Meeting to order at 7:00 p.m.
The Pledge of Allegiance was recited.

2. ROLL CALL

Commissioners Present: Elizabeth Niemioja (Chair)
Robert Heidenreich
Joan Robertson
Jonathan Weber
Dennis Wippermann
Kate Challeen

Commissioners Absent: Scott Clancy (Vice Chair - excused)
Jaime Besser (excused)
Vacant

Staff Present: Allan Hunting, City Planner
Heather Botten, Associate Planner
Stacy Bodsberg, Community Development Support Specialist

Chair Niemioja stated that they would be going off the agenda due to a special participant in attendance. Tony Scales has served/volunteered for 13 years on the Planning Commission in the past. She recognized him for his years of service and presented him with a plaque.

3. CONSENT AGENDA

A. Consider Approval of Meeting Minutes from the April 18, 2023, Regular Planning Commission Meeting Minutes.

The meeting minutes from April 18, 2023, were approved as submitted.

4. PUBLIC HEARINGS

A. Consider a Request by Michael & Kathleen Goehring, 11331 Albavar Path, for a Variance from the minimum lot size to adjust a property boundary to provide access to a landlocked piece of property at 11335 Albavar Path. (Case No. 23-15V)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for the Goehring family, Case No. 23-15V. The request involves properties located at 11331 and 11335 Albavar Path. The request consists of a Variance from the minimum lot size to adjust a property boundary to provide access to a landlocked property, 11335 Albavar Path. Notices were mailed to 11 property owners on April 13, 2023.

Presentation of Request

City Planner Allan Hunting discussed property located south of Cliff Road, off Albavar Path consisting of two parcels, there are two Variances. The proposal is to move a lot line so there is road frontage for Parcel 2 connecting the back lot to Albavar Path. Family members own the parcels. When the house was built there was an existing Driveway Easement, 35 feet wide. The family would like to create a pipe/flag stem lot, so they have ownership of land that abuts Albavar. There is one Variance for that creation. It is supposed to have 200-feet at a 30-foot setback line. The minimum for frontage is 30-feet; that requirement is being met. Parcel 1 zoning is Agriculture with 5.2 acres, when removing the 35-foot-wide strip it drops down to 4.79. This equates to one lot area Variance and one lot frontage Variance.

Staff find that it is logical to not have to rely on an Easement, but to have ownership of land. If approved, the next step for the applicants would be an Administrative Lot Boundary Adjustment that the city would approve. There would be a condition to Dakota County that the two, identified as Parcel 3 and Parcel 2, be combined on one tax parcel.

Staff believes there is rationale to this. There are suggestions for practical difficulties located in the report. Staff recommend approval of the request as presented.

Commissioner Robertson asked if there would be three parcels.

Mr. Hunting stated that Parcel 3 is being created so it can be added to Parcel 2. There would only be two parcels in the end.

Opening of the Public Hearing

Mike Goehring, 11331 Albavar Path, Applicant, stated that he has read and understands the report.

Commissioner Robertson mentioned there are City Codes and Ordinances that apply to properties if they are 5-acres or more. Once the property drops below 5-acres, it changes what is allowed for size of an accessory building.

Mr. Goehring replied that he understands.

Chair Niemioja closed the Public Hearing.

Planning Commission Recommendation

Motion by Commissioner Wippermann, Second by Commissioner Weber, to Approve both Variances with the conditions listed in the staff report and the practical difficulties as stated for property by Michael & Kathleen Goehring, 11331 Albavar Path, to provide access to a landlocked piece of property at 11335 Albavar Path. (Case No. 23-15V).

Motion carried (6/0). This item goes before the City Council on May 22, 2023.

B. Consider a Request by Bruce Lenzen Design Build for a Variance to allow an accessory building greater than the maximum of 2,400 square feet on the property at 11880 Albavar Path. (Case No. 23-16V)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Bruce Lenzen Design Build/Gornick, Case No. 23-16V. The request involves property located at 11880 Albavar Path and consists of a Variance to allow an accessory building 2,598 square feet in size, whereas 2,400 is the maximum size allowed. Notices were mailed to 7 property owners on April 13, 2023.

Presentation of Request

Associate Planner Heather Botten discussed the request for property located on the north side of Albavar Path. The property is zoned Agricultural and is 5.39 acres in size. The property owners are building a single-family home on the lot with a three-car attached garage. The request is for a Variance to allow a detached accessory building, 2,598 gross square feet in size, whereas 2,400 square feet is the maximum size allowed. The structure is for the applicants own personal use. The accessory building would be in compliance with other zoning code requirements such as setbacks, exterior building materials, and impervious surface. The city recognizes within large lot residential areas, that larger accessory structures may be appropriate. Lots surrounding this property are all around 5 acres. Due to existing vegetation and topography, staff does not believe the Variance would alter the character of the neighborhood.

The City Council has reviewed the number and size of accessory structures over the years; most recently in 2021. The Ordinance was amended to allow an increase on lots 3.4 to 5 acres in size. Based on that information, staff does not believe that the Variance to allow the additional square footage to be consistent with the Zoning Ordinance. Staff does not believe that a practical difficulty has been identified and that approval could set a precedent for other large lot larger accessory structures. Staff recommends denial of the request. Ms. Botten stated that one resident stopped in with questions about what was going on with the property and what the request was for.

Chair Niemioja mentioned that the Planning Commission is a statutorily appointed Commission that must review certain land use decisions. The Planning Commission cannot create new City Codes.

Ms. Botten replied that was correct.

Commissioner Robertson mentioned there has been discussion about applying a ratio to determine a potential accessory structure size and asked if the City Council has approved the concept.

Ms. Botten replied that the City Council has applied the ratio for lot 3.4 – 5 acres in size. The ratio has not been applied to lots greater than 5 acres.

Opening of the Public Hearing

Bruce Lenzen, 106 Buckeye Street, Hudson, Wisconsin, 54016, Contractor and Designer on the project, representing the Gornicks, stated that he has read the report and noted the potential differential on the square footage. He said after meeting with staff and using the ratio to the 5.39 gross square footage, the actual proposed plan is within 2 square feet of the ratio. There was originally a higher square footage. A supplemental letter was sent. He said there was a misunderstanding on his part, with the way the ordinance is written. He felt it was vague and should probably be addressed. It appears to state there are two buildings allowed at 2,400 square feet. He said his client stated they wanted additional square footage instead of adding it

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onto the home. The reason for this request is to store equipment that they do not want to keep outside. The client wanted adequate space that he feels is appropriate for the home and lot. While he could have put additional square footage onto the home, it was believed based on the way the ordinance is read, that it would be possible to do so with the building.

Commissioner Robertson asked what led them to think about the ratio. The city definition doesn't speak of a ratio. She asked if it was something he computed himself based on the fact that it was bigger than 5 acres.

Mr. Lenzen replied the ordinance states on lots larger than 5 acres, two buildings are allowed. He suggested it be addressed for those just reading the ordinance. He mentioned he has not done business in this city before, he does not like going for Variances. The requested square feet of the building is 2,598.

Commissioner Robertson asked if working with staff prior to coming before the Commission, if it was made clear.

Mr. Lenzen said his original request was based off the two structures of the 4,800 square feet. After meeting with staff and learning the maximum of 2,400 square feet, staff mentioned a computation of 480 square feet for lots less than 5 acres. He rewrote his request based on that.

Commissioner Weber requested the actual square footage of the bump outs.

Mr. Lenzen responded that he reduced the structure to get it as close to the total stated.

Commissioner Challeen asked where things stood with the process of the structure.

Mr. Lenzen replied that the home is watertight, they are in mechanicals. The structure under discussion has not been started. Grading and site work is complete.

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Commissioner Weber stated that he would deny the request based on the rules. He said he would make a strong recommendation to the City Council to look at amending the 5 acres+ portion of the City Code and to include the ratio that was done for 3.5-to-5-acre parcels. Mr. Weber stated that he feels people with larger lots can accommodate larger buildings and should be able to be based on the ratio.

Planning Commission Recommendation

Motion by Commissioner Weber, Second by Commissioner Robertson, to Deny the request for a Variance to allow an accessory building greater than the maximum of 2,400 square feet on the property at 11880 Albavar Path. (Case No. 23-16V).

A recommendation was made to the City Council to look at adjusting the City Code for the ratio for larger lot sizes.

Commissioner Wippermann stated he was not in favor of using the ratio above 5 acres. For example, if having a 10-acre lot and using the ratio, they could have a 4,800 square foot accessory building. There could also be the potential of separating the lot into two. That would result in a 4,800 square foot building on a 5-acre lot and another separate lot. Mr. Wippermann stated that there needs to be a limit.

Commissioner Weber stated the motion a second time.

Motion by Commissioner Weber, Second by Commissioner Robertson, to Deny the request for a Variance for an accessory building greater than the maximum allowed of 2,400 square feet on property located at 11880 Albavar Path. (Case No. 23-16V).

Motion carried (6/0). This item goes before the City Council on May 22, 2023.

Commissioner Weber recommended that the City Council take a look at the ratio. It should state if lots were split and that structures would have to be removed in order to keep the ratio aesthetically pleasing for each lot size.

C. Consider a Request by Eric Gunderson for a Rezoning from R-3C, Multiple Family Residential to R-1C, Single Family Residential and a Comprehensive Plan Amendment from MDR, Medium Density Residential to LDR, Low Density Residential for the property identified as PID No. 20-71161-00-016. (Case No. 23-17ZPA)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Gunderson, Case No. 23-17ZPA. The request involves property located to the south of 7011 Concord Boulevard, identified as PID No. 20-71161-00-016. The request consists of a Rezoning from R-3C, Multiple Family Residential District, to R-1C, Single Family Residential District, and a Comprehensive Plan Amendment from MDR, Medium Density Residential, to LDR, Low Density Residential. Notices were mailed to 28 property owners on April 13, 2023.

Presentation of Request

Associate Planner Heather Botten discussed the request for property located on the west side of Concord Boulevard, south of 70th Street, zoned R-3C, Multi-Family, and guided MDR, Medium Density Residential. The request is a change from the Comprehensive Plan designation to LDR, Low Density Residential and Rezoning the property to R-1C, Single Family Residential. The property is 15,000 square feet in size and currently vacant. It is the applicant's desire to relocate a single-family home onto the property. The proposed home would comply with setbacks and impervious surface requirements. The house would match neighboring single-family homes for style, age, and footprint. Access would be off a shared driveway to the south of the lot, gaining access off Concord Boulevard. The current Comprehensive Plan designation of MDR, Medium Density Residential allows for higher density residential and could see up to 8-12 units per acre. Based on the lot size in this case, a 4-unit building could potentially go on this lot. The change to low density would be the one single family unit. Rezoning must be in the best interest of the physical development of the city in order to be approved. When reviewing the location and neighborhood there are other single-family homes to the south and west of this lot. The request does not appear to have any adverse impacts on neighboring properties. Utilities are available to the lot, a requirement for urban density. Staff believes the proposed zoning would be compatible with the existing established uses in the area. Staff recommends approval of both requests as presented with the conditions listed. Staff has not heard from any of the surrounding

property owners.

Opening of the Public Hearing

Eric Gunderson, 797 Lexington Parkway South, St. Paul, Applicant, stated that he has read and understands the report. Mr. Gunderson stated that he is saving a house in Rosemount near the Akron/42 redevelopment. The home was meant to be demolished; he was hoping to see it saved by placing it on the proposed lot.

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Commissioner Challeen stated that she was surprised this lot was not currently zoned single family residential.

Planning Commission Recommendation

Motion by Commissioner Challeen, Second by Commissioner Heidenreich, to Approve Rezoning from R-3C, Multiple Family Residential, to R-1C, Single Family Residential, for property identified as PID No. 20-71161-00-016. (Case No. 23-17ZPA).

Motion carried (6/0).

Motion by Commissioner Challeen, Second by Commissioner Heidenreich, to Approve the Comprehensive Plan Amendment from MDR, Medium Density Residential, to LDR, Low Density Residential, for the property identified as PID No. 20-71161-00-016. (Case No. 23-17ZPA).

Motion carried (6/0).

This item goes before the City Council on May 22, 2023.

D. Consider a Request by Bituminous Roadways, Inc. for a Sand and Gravel Zoning District Designation Five (5) Year Renewal. (Case No. 22-37ZC)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice for Bituminous Roadways, Inc., Case No. 22-37ZC. This request refers to a property located at 10201 Rich Valley Boulevard, Inver Grove Heights, Minnesota. The request consists of an Ordinance Amendment for the Renewal of a 5-year Sand and Gravel Overlay Permit including expanding depth mining and a Conditional Use Permit Amendment for the mining and processing of sand and gravel at an asphalt plant and contractors' yard with open storage. Notices were mailed to 29 property owners on April 13, 2023.

Presentation of Request

City Planner Allan Hunting stated that a representative from Barr Engineering, the City's Environmental Consultant, would be giving a presentation for more background. He discussed the request stating that Bituminous Roadways is requesting their 5-year renewal for sand and gravel mining. The property is located on Rich Valley Boulevard and 117th Street. The request includes a modification to mine the sand an additional 40 feet in depth, from 840 mean sea level down to 800 mean sea level. The Planning Commission began review of this item on November 2nd, 2022. Several questions were raised regarding access to the groundwater and analyzing the well test data. Staff corrected the public hearing notice as there was one parcel missing. There

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are four parcels. This was re-noticed in the paper and mailed out to a broader list than previously done. Mr. Hunting stated that Barr conducted a review for the City. Bituminous Roadways also provided a data/analysis. The Planning Commission requested the Environmental Commission review this item as well. The Environmental Commission did review at their meeting on Thursday, April 27th, 2023, and recommended approval. There was some discussion about the monitoring of the well timing and installation.

City Planner Hunting displayed a photo depicting the operation stating that the material is mined out. There is an asphalt plant on site. Over the years there have been approvals for expansion for some of the land area, which they would eventually mine. They had a deep well put in and added larger bituminous tanks.

Commissioner Heidenreich stated that the Commission was provided an addendum to the conditions that were included in the staff report before going live with tonight's meeting; it is not something the Commission has seen. He said there is a lot of good information included, but changes everything they have studied for prior to the meeting with no notice. He asked if the Commission was accepting the changes.

Chair Niemioja mentioned what he was referencing were conditions.

Commissioner Heidenreich replied the conditions were modified from what was previously provided in the staff report.

Chair Niemioja suggested the applicant address this.

Ray Wuolo, Senior Hydrogeologist, Barr Engineering, stated that Barr was retained by the City. Barr has done a lot of environmental review on behalf of the city. A limited review was done to evaluate the potential environmental effects.

- To note what, if any, proposed changes may result in new or increased environmental effects.
- If any, what are the proposed mitigation measures and were they adequate.
- Has anything changed since the 2017 CUP renewal process.
- Making recommendations to the city on changes to conditions in the CUP.

Who regulates aggregate and non-metallic mining in the State of Minnesota:

- MPCA has a Non-Metallic Mine General Permit addressing stormwater and wastewater.
 - Can issue air permits but are typically not required for aggregate mining.
- MDNR has a role in a Water Appropriations Permit if there is a high capacity well on site or pit dewatering.
- Unless there are specific issues, groundwater monitoring may not be required by either agency.
- Some types of expansion or changes to operations may trigger an Environmental Assessment Worksheet (EAW) (this does not meet that requirement).

In the location of where BRI (Bituminous Roadways Inc.) sits, there are a lot of other things happening in the neighborhood:

- Southeast is Flint Hills Refinery
- East is the SKB Landfill and the Pine Bend Landfill
- Northeast is the former Crosby American Demolition Landfill

What BRI is asking for in the Conditional Use Permit (CUP) request:

- Increase current depth from elevation 840 feet to 800 feet. Deepen the mine by 40 feet.
- Vertical expansion will increase the life of the mine by approximately 10 years.

Lowering down to 800 feet will not happen at one time because you cannot keep the slopes stable. After mining it would be reclaimed, move material around, import material, and use topsoil that has been stockpiled on top.

Backfill and reclamation:

- Backfill consists of excess sand from mining operations and clean soil brought in from other BRI construction projects.
- Regrading would occur, required stormwater ditching, and stockpile.

There are no proposed changes to:

- Type and number of equipment being used
- Rate of mining
- Number of trucks and truck traffic
- Hours of operation
- Location and quantity of fuel, chemicals, asphalt cement
- Water use or pumping

Findings: Air quality and noise:

- Air quality impacts will not change from current conditions
- No change in the type of equipment
- No change in truck traffic/truck trips
- Noise impacts will not change
 - In 2018, the city retained Barr Engineering to do a noise study on the western side of the BRI facility. Results found the mine to be fully compliant with the residential standard, which is the most stringent standard for noise in the State of Minnesota.

November 2022 Planning Commission meeting questions:

- Charged with four (4) questions relating to groundwater:
 1. Wet sand in the mine. Concern the wet sand was caused by contact with the Prairie du Chien-Jordan aquifer or that BRI was already mining below the water table.
 - a. Depth of the water table, sloping from west to east, groundwater is discharged to the Mississippi River.
 - b. Below the existing mine by several tens of feet.
 - c. Unlikely/impossible to impact the water table.
 - d. The top of Prairie du Chien bedrock is the major aquifer for the city. It is close to 70 to 80 feet if not deeper, than the current bottom of the mine.
 - e. Concluded the wet spot was not related to groundwater.
 2. High Volume Well was agreed to be placed at a depth of approximately 600 feet below grade.
 3. No mention of the High Volume Well installed in 2012 that pumps 450 GPM.The above mentioned #2 and #3 would be answered together:
 - a. Both questions involve the High Capacity Well. At that time, BRI requested having the well installed in the Prairie du Chien-Jordan aquifer. The compromise was to have it at a deeper aquifer.
 - b. This was appropriated by the DNR at a depth of 600 feet and appropriated for 450 gallons per minute. (On average it pumps less than this).

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Aquifer versus Aquitard:

- Aquifer: Soil or rock that yields usable quantities of groundwater to a well.
 - Higher permeability (sand, limestone, sandstone) and saturated thickness
 - Groundwater flows horizontally
- Aquitard: Lower permeability units (clay, silt, tight formations of rock) that do not transmit usable quantities of water.
 - Lower permeability and saturated thickness
 - Groundwater flow is mostly vertical
 - There are two very low permeable units

A pumped well results in "drawdown" of the water table.

- This lowers the water level around the well and lessens as it gets further away.
- Well pumping at a low rate doesn't have very much draw down.
- Well pumping at a high rate has more draw down.
- Having a 450-gallon permanent well is of concern; not an issue to be taken lightly.
 - In this case the aquitards are a very important factor.
 - Pumping in a confined aquifer that is separated by an aquitard allows for pressure drop in the deeper aquifer with almost no effect on the water table/shallow aquifers.

Effects of pumping BRI plant wash-water well:

- Since 2012 a new tool has been developed by the Metropolitan Council.
 - A groundwater computer model of the entire metro area in high detail.
 - Built with USGS, MPCA, DNR, University of Minnesota; heavily benchmarked and continually updated.
 - Model is used to evaluate this particular well to determine:
 - What kind of draw down is occurring
 - Where the water is going that infiltrates at the BRI facility
 - Within the deep aquifer, most draw down is about ½ foot and extends out about ½ mile from the BRI facility.
 - There are only four wells in the area tapped into the aquifer. None are used for water supply.
 - Domestic and municipal are in the much shallower aquifer.
 - Model shows there would be no draw down in the water table aquifer, Prairie du Chien.

One concern people have is groundwater that infiltrates at the BRI facility; where it goes, how fast it flows. He stated that it goes toward the river. The model allows them to say how fast it flows. Time of travel marks show:

- At one year it shows the groundwater under the BRI facility would barely move off site.
- In five years, it would probably reach the Pine Bend Landfill.
- In ten years, it would almost be to Highway 52.
- In 20 years, it would be discharging as it would naturally into the Mississippi River.
- Water infiltrating down at the BRI facility would only be a few feet below the water table. It does not get very deep. It stays shallow and discharges into the Mississippi River.

At the facility, there are two other wells:

- The Rainbow Well, could have been residential
- The Wicker Well, a residential well
 - Both Wells have been sampled on a routine basis.
 - The Wicker Well was replaced in 2020 with a deeper well.
 - These wells are not likely the right wells to monitor. Should put in a dedicated well for monitoring. This would make the most sense going forward, for sampling.

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4. Water Well testing reports. There was a concern there had been indication of mishandling of problems with the water collection protocols used. Also asked the question of who was involved in making sure this is the right data. To note: State Agencies are not required to review this. The City of Inver Grove Heights is the oversight.
 - a. Reviewed analytical reports from 2012 to 2022 provided by BRI.
 - b. Evaluated the data for holding times (how long they can stay unopened before they are sampled).
 - c. Did not look at the lab reports in their original form. This is highly expensive, only done by litigation.
 - d. Used the EPA's National Functional Guidelines.
 - e. Plotted time series data to evaluate if there were any trends with time.

Stormwater ponds were also a part of the analysis.

- Major metals were analyzed. This is naturally occurring and can be detected in groundwater at very low concentrations. Looking for increases beyond what can be expected in background conditions. Analyzed for:
 - Barium
 - Gasoline-range organics (GRO), diesel range organics (DRO)
 - Phenolics
 - Standard parameters such as pH, specific conductance

Findings of the analytical data review:

- Analytical data was generally acceptable and reliable. Some errors were found:
 - Some air gap was found with GRO and DRO samples. It is not supposed to be this way, it can volatilize.
 - Quantifiable detection limits were pretty high, could be lower.
 - No evidence suggested any exceedances of water quality standards.
 - Need to see detection limits go down a bit more.
 - Different laboratory methods can result in different levels of quantitation.
 - RL's (reporting limit) are different than a concentration that is measured.
- Sodium was detected in the Wicker Well that was sampled before it was replaced.
 - Sodium is a naturally occurring "ion" in groundwater.
 - Reporting value on June 18, 2019 - 169,000 ug/L
 - Same as 168 mg/L. Typical ranges: 10-200 mg/L
 - There are no federal regulations for sodium.

The city may want to require, as a part of the CUP, a monitoring well that intersects the water table to get reporting levels down.

Recommendations and Suggestions:

- Prepare a sampling and analysis plan using the MPCA's guidance.
- Report pumping records, water level measurements.
- Give a yearly brief report to the city explaining what is noticed.
- Should not have to hire Barr Engineering to do this. Should have a narrative going forward.
- Limit soil backfill to non-organic compactable soil free of contamination.
- Soil be tested before bringing it on site.
- Provide the city with Spill Prevention Control and Countermeasures Plan (SPCC)

Concern regarding foundry sand:

- USEPA and the USDA did a study of approximately 40 different types of foundry sands.
 - None of the metals were above any concern.
 - None of the phenolic materials were above any concern.
- This foundry sand could be used for road metal, base for road grading, and potting soil.

It is safe soil to be able to use.

- Not using foundry sand any longer. Did not bring any in, was just a small amount of no concern. Have and will continue to keep monitoring.

Commissioner Heidenreich questioned whether Mr. Wuolo was hired to give this report by the City or Bituminous Roadways.

Mr. Wuolo stated that Barr Engineering was hired by the City to give this report, Bituminous Roadways compensates the City for their time.

Commissioner Heidenreich referenced the high impact 450 gallon well. He mentioned there was a small number of people that were notified of this meeting. He referenced the cone of depression stating there are a lot of people impacted by this project. It spreads further than the 1,000 feet surrounding the plant, it goes several miles. He said there are four wells nearby, but have only shown one active. If overlaying the other four wells it would increase the cone of depression in the entire area.

Mr. Wuolo replied it would not. The model referenced has all of the wells pumping. All of the wells affects are accounted for. It's a deep aquifer, it's not affecting the wells at all.

Commissioner Heidenreich said there was a lot of water being pumped out, he asked how they were getting rid of it.

Mr. Wuolo replied it was wash plant water. With sand, they wash the material before they use it, then it would infiltrate back in.

Commissioner Heidenreich shared that the city has radium in the water. It has been said it's from pumping water from the lower aquifer. To reduce radium in the city drinking water, they try to use higher level wells. He asked if the water is being tested for radium from the low-level aquifer before dumping it out of the Prairie du Chien aquifer.

Mr. Wuolo replied the aquifer that causes radium in the Twin Cities is the Mt. Simon Hinckley, which is much deeper and older water than the Tunnel City Woneewoc. Tunnel City Woneewoc water does not have a history of high concentrations of radium.

Commissioner Heidenreich asked Mr. Wuolo if he was familiar with the report Hydraulic Impacts of Quarry's and Gravel Pits that was prepared in 2005 by the DNR and paid for by funds from the Legislative Commission on the Minnesota Environment of Natural Resources/Minnesota Lottery. They did well water/groundwater testing on how mines affect the ground. This included two mines in the Prairie du Chien aquifer. He read the following paragraph aloud "This report was intended to help local officials, the public, and the mining industry to understand the main issues surrounding mine establishments and to provide suggestions for monitoring and mitigation strategies to prevent significant impacts on water resources. The research at these sites, the first comprehensive report of its kind, to assess aggregate mining impacts on the groundwater system in Minnesota. This information can be used for citing of new aggregate mines and more accurately assessing the impacts on local groundwater. It can also be used for planning purposes for state and local". He said the cone of depression on the Jordan aquifer on the west end of Cliff Road has a fluctuation of over 70 feet from their dewatering plants. It discussed how the direction of groundwater flow surrounding the mine can be changed. He said he read every word of the reports provided and he still has concerns. He mentioned in November he took photographs of wells on the Bituminous property. He

questioned whether the wells were sealed or not, which Minnesota laws require. He asked if those wells were identified as wells and if they have been sealed.

Mr. Wuolo replied he was unsure. He suggested contacting BRI for the answer.

Commissioner Heidenreich said he read the report, those wells have been sealed. He wanted to make it public knowledge. The wells were not sealed at the time, but were sealed a month after. He said the laws surrounding sealing and boring of wells are very specific. He mentioned that he has two photos of the wells and asked that they be shown on the screen.

Commissioner Heidenreich referenced the picture on the left stating it was a well from November that was previously sealed. The one pictured on the right was the unsealed well. He said it was sealed and sent an email out today asking what the elevation of the mine was. The reply was that it was as deep as it could go, 840 feet. He shared that he has the well sealing report and handed it to Mr. Wuolo. He questioned what the report says in relation to groundwater. It states at the top of the well they detected groundwater at 33 feet. If the soil is at 840 feet and the top of the well sticks up 3 feet, he asked where that puts the static water level on the east side of the mine. He said it was different than the slides presented.

Mr. Wuolo replied that the depth of the open hole is 230-272 feet. If the well was 70 feet open, it would be a water table well. The static water measured would be the depth to the water table. Deeper wells would have pressure. Opening a deeper well causes a rise. The pressure rises up to a level above the aquifer. It is the pressure of a deep bedrock aquifer, not the pressure of the water table. The reason water levels are higher here is because it is getting closer to the river. It forces water up through aquitards.

Commissioner Heidenreich said the article states the aquitards are leaky. He asked what that meant.

Mr. Wuolo replied that all aquitards are leaky. The flow is vertical. If perfectly sealed there would not be water flowing to the Mississippi River or ponding in Eagan.

Commissioner Heidenreich said the sand mining out is the filterite that takes out the chemicals pumped up from the lower aquifers. This creates an additional hazard for the neighbors to the west and northwest if diverting the water, according to the hydraulic impact report. His concern is if they cannot use these documents at face value, none of the documents can be trusted.

Mr. Wuolo replied he is frustrated because Commissioner Heidenreich is trying to explain concepts he has a moderate understanding of. He stated there is no groundwater flowing to the northwest, it doesn't flow that direction, it flows to the river. He referred to the Metro Model stating there are 11,000 wells and water levels used to calibrate the model including the points shown on the map. He said it was a reliable model.

Commissioner Heidenreich said he felt lines shown on the map appeared to flow northwest.

Mr. Wuolo referenced the map in question and said they go due east under Pine Bend Landfill.

Commissioner Heidenreich said if changing the groundwater flow by mining too close to the surface of the aquifer according to the report, it could change the direction more to the north.

Mr. Wuolo replied it would not. Changing the groundwater flow direction would have to have a change in the water balance, water extraction. Infiltration and water balance is not changing from the condition it is today. The only thing changing is the depth from the bottom of the mine to the water table. The material that exists from the bottom of the mine and the water table is a very coarse sand that water goes right through. Thinning it out wouldn't affect water quality.

Commissioner Heidenreich handed Mr. Wuolo two pictures from today. He referenced one of the mines with a bend at the top. He mentioned the term Lidar and asked what it was.

Mr. Wuolo replied Lidar is when airplanes shoot a light beam down and it bounces off the ground. It is quite accurate.

Commissioner Heidenreich asked if anyone has measured the heights of these wells. He referenced a photo and said it shows the same pipe sticking two feet out of the ground. He mentioned that new iPhones use Lidar, a light emitting radar. There is a 12-foot difference from the 840 feet from November. If accurate, the mine is at 828.

Mr. Wuolo replied he was unsure if anyone had measured the wells and was unsure of the difference mentioned. It could be surveyed if Commissioner Heidenreich did not believe it. All data noted does not indicate the well to be any deeper than 840. He said he was unsure why anyone would say that the numbers were not as presented.

Commissioner Heidenreich replied he has the static well levels, the GPS on his car, Lidar from his iPhone, and the photo indicating that they are already at the water level. He referenced a photo with a mound of dirt, next to that is standing water on the surface. He said the water is not going into the ground like expected, it's just sitting there.

Mr. Wuolo replied he may want to ask the representative from BRI about that item. He said it wasn't the water table or the groundwater.

Commissioner Heidenreich said he has mistrust. With the Wicker Well, readings were provided, and then it turned out that it was a different well entirely. The same well wasn't tested. He said he is seeing red flags. He said he is prepared to make a motion to approve this with some changes. He noticed that a notice was received just a few minutes before the meeting. Those were addressed in what he was going to comment on.

Chair Niemioja requested a short recess at 8:24 p.m.

Chair Niemioja called the meeting back to order at 8:29 p.m.

Commissioner Heidenreich mentioned that Mr. Wuolo has done a great job and explained everything well. He said Mr. Wuolo asked why he was so concerned and what gave him reason to believe the static water level was higher than currently indicated. He said in a report dated September 10, 1999, by Barr Engineering, the city said the water level was at 850 feet at the west edge. He asked how that happens.

Mr. Wuolo questioned if he did the report and replied he would have to look at it to see. He said in hydrogeology, that would be 24 years ago. He was not using computer modeling then. The amount of information and effort going in to understanding ground water in Dakota County since 1999 is mind boggling. This had to do with the county's efforts and State Agencies.

Commissioner Robertson asked a question relating to the document received today. She asked if Barr would be doing the testing or if it should be an independent testing facility.

Mr. Wuolo replied that he would let Bituminous Roadways answer that question. With facilities like this, a third-party engineer/environmental company is hired.

Commissioner Heidenreich asked who historically collected the samples for testing.

Mr. Wuolo responded he was unsure; BRI may know the answer to that question.

Commissioner Challeen said she noted the word remediation several times in the report but does not see details about the process or what would trigger remediation. She asked for a primer about what a remediation effort would be like.

Mr. Wuolo responded that the well is sampled, an analysis comes back, go back and resample to make sure the data is correct. If it is, depending on the conditions, it would need to be reported to the MPCA. The MPCA would determine if there is any further investigations/corrective action needed. It is out of the owners and city's hands. A typical remediation consists of a pump and treat system.

Commissioner Robertson asked who does the testing if contaminants come back at a higher level more than standards, and if it is independent of BRI.

Kent Peterson, President, Bituminous Roadways, 6130 150th Street Southeast, Prior Lake, MN, read a prepared statement stating that Bituminous Roadways purchased the gravel pit in 1978, in 1980 an asphalt plant was installed. Since then, they have been mining gravel and producing asphalt used for various things within about a 20 miles radius of this location. All product stays local. In 2001 they purchased the adjacent property to the south. Current gravel mining takes place on this property. He stated that their conditional use permit with the city must be renewed every five years, tonight is the application for renewal.

One change they are requesting is to extend their mining depth to an 800-foot elevation. With the current permit, the limit is to an 840-foot elevation. They are requesting to mine 40 feet deeper than they currently are. This only applies to the remaining phases of mining on the south property purchased in 2001. Mining 40 feet deeper adds 10 years to the life of the gravel pit and provides for much needed aggregates. Soils used would only be non-organic compactable soil, free from contamination and only from Bituminous Roadways projects. Bituminous Roadways will maintain a manifest from each offsite source indicating where soils are imported from. There will be a statement included with the manifest.

He stated that their current application came before the Planning Commission on November 1, 2022. At that time there were questions raised that required additional information. One question was in regards to the emergency response. Their response to measurable spill. He said the question came from Commissioner Challeen.

Commissioner Challeen replied the question had to do with how quickly and effectively they have responded in the past and plan to respond if there is detection of something above a permissible limit.

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Mr. Peterson said he assumed it had to do with a response to a spill. Section 2.5 of the plan sent to the Commission outlines procedures and onsite/outside emergency contacts.

In the event of a spill:

- A trained responder takes immediate action to prevent further spillage and confines the spill to its smallest practical area.
- Depending on the size/nature of the spill, outside response contractors may be called in.
- Records are kept for all measurable spills.
- Onsite storage tanks have secondary containment. Large tanks are surrounded by earth and berm.
- In case of fire, there is an extensive fire protection system installed. City water is used, there are 12 fire hydrants around the site.

He said there were questions about the foundry and storage sand found and stored on site. In the 80's and 90's, they brought in sand from two Minneapolis foundries. It was spent sand intended to be used on construction projects. They did not use the sand as fast as it came in, and it accumulated. It is stored in the northwest corner of the property. No further foundry sand has been brought on site since 1998. In the 2001 permit renewal there was a condition in regards to foundry sand stating the sand shall remain in its current location and used in its entirety within the next four years. The amount of foundry sand was approximately 30,000 cubic yards.

Another condition about foundry sand in the southeast berm would be left undisturbed with the amount of approximately 24 cubic yards. In the 2007 city planning report, Barr Engineering conducted a site visit in May of that year and determined the 30,000 cubic yards of foundry sand in the northwest berm was gone and vegetation was established. The southeast foundry sand had been undisturbed and contained a vegetative cover. The permit condition was satisfied. Current CUP requires they test the water from three wells; one onsite and two on neighboring properties. They are identified as the Rainbow Well, Wicker Well, and Plan Well. It is always sampled at current active wells. Unique well numbers have never been used, but are open to that option if requested. He stated they are in agreement with Barr's recommendations. He said they would like to propose a new groundwater monitoring program.

Chair Niemioja asked if it would take approximately 30 years to complete the site, depending on market demand. She asked if the request is premature.

Mr. Peterson replied mining is done in phases. Their intention is to mine each phase to its limits and then move onto the next phase and then reclaim the phase they moved on from.

Commissioner Weber questioned the use of city water during fire protection. He asked if it was from Rosemount.

Mr. Peterson responded that city water had to be run to their site in order to get to the capacity of water required. It's from Inver Grove Heights, down 117th Street from the new electric generating plant by the landfill. They ran it from there over to their site.

Commissioner Robertson asked who does the testing.

Mr. Peterson replied historically they take the samples and submit them to an independent testing lab. Pace Analytics is the lab they have been using. The report they receive from Pace is submitted to the city.

Commissioner Robertson asked if there was a reason why Pace doesn't do the sampling.

Mr. Peterson replied they would like to propose outsourcing all of that. Going forward it would likely be best.

Commissioner Robertson asked if the proposal was included in the report.

City Planner Hunting replied that information was the sheet that was handed to the Commission. It was permit condition revisions; A, B, and C, that they have not had a chance to explain yet.

Commissioner Robertson said it was mentioned that the wells tested were not identified. She said if not identified, how they knew which well it was coming from.

Mr. Peterson replied it was a current active well at that location. When sampling from wells on neighboring properties, it's taken from the spigot. It was known which well it comes from.

Commissioner Heidenreich stated the Wicker Well isn't the same as it was in 2018, it changed. That was one well, the new Wicker Well is the one that is tested now.

Michaela Whelan, Sunde Engineering, 10830 Nesbitt Avenue, Bloomington, MN, discussed the proposed groundwater monitoring plan and stated that the actual plan has not been developed yet.

- The plan includes putting in three new monitoring wells.
- They would be screened at the water table as Barr recommended.
- Sampled annually, water levels would be tested, samples taken as requested.

They would like a third party to come and do the sampling. When sampling in the past, they would get a sampling kit from Pace with samples delivered directly to the lab. The plan takes into account sampling parameters and procedures.

With the monitoring well, they propose to put one upgradient of the mine limits. This provides a background and base to compare the downstream well. Two would be placed downgradient of the plant area and active mining areas.

She stated Conditions 23, 24, 34, 35, and 36 would be redundant and condensed. It is what they are trying to accomplish in the three conditions.

City Planner Hunting referenced the numbers provided by Ms. Whelan stating the conditions to be replaced were from a previous report from the Environmental Commission. Subsequent to that, he removed a condition that talked about the foundry sand. The numbers are different. The conditions Ms. Whelan will discuss are included in the Commission packets and are: 22, 23, 33, 34, and 35.

Ms. Whelan stated the new groundwater monitoring plan would provide sampling and analysis procedures for the site along with:

- Installation of new monitoring wells on site at locations upgradient and downgradient of the mining limits.
- New wells would be sampled and tested annually.
- New wells will replace BRI's annual sampling and testing of onsite ponds, wells, and offsite neighboring wells.
- Actions to take if the monitoring well testing shows exceedances of concentrations above an action level of concentration.
- Level will be set lower than current drinking water standards (level yet to be determined).

- If samples show verified levels of concentration above action levels, on site BRI wells unique number 608018 and 174673 (Rainbow and Plant Wells) and off-site Wicker Well will be tested in addition to the new monitoring wells until determined the concentrations are below actions wells.
- Actions to be taken to address elevated concentrations will be documented in the plan.

Bituminous Roadways Proposed Permit Condition Revisions:

- To add clarity and reduce redundancy, propose to add the following groundwater monitoring conditions. Would like to eliminate the conditions that are related to water sampling testing: No: 22, 23, 33, 34 and 35.

Condition A:

- Bituminous Roadways shall provide a groundwater monitoring plan that includes installation of a new monitoring well network to provide early detection of potential groundwater impacts from site operations.
- New monitoring wells shall be installed with the screens intersecting the water table.
- One well is to be located upgradient of the mining operation in order to obtain baseline samples of established pre-mine background concentrations to use in comparison to downgradient samples.
- Two new downgradient wells are to be installed, sampled, and tested annually.
- Groundwater monitoring plan shall include the sample parameters, sample schedule, and proper EPA/MPCA sampling procedures and protocol.
- Monitoring well testing is to include water level data.
- Samples are to be tested for arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, zinc, BETX, pH, electric conductivity, and alkalinity.
- Plan includes actions Bituminous Roadways is to take if the monitoring well testing shows a verified exceedance of concentrations above an action level concentration.
- Action level should be lower than the drinking water standards.
- Actions to be taken to address concentrations above action levels will be documented in the groundwater monitoring plan.
Side note: BETX, is Benzene, Ethylbenzene, Toluene, and Xylenes are primary groundwater contaminants associated with spills of gasoline and diesel fuel because of their high-water solubility and their associated health risks.
 - Detection of any BETX analysts in the groundwater is indicative of a diesel fuel spill or release.

Chair Niemioja asked if BETX would be a part of the condition.

Ms. Whelan replied it would be. She proposes instead of testing for DRO and GRO, BETX testing to be a much more indicative test for a diesel spill and more reliable.

Chair Niemioja mentioned the only word missing would be "independently" testing.

Ms. Whelan replied the word "independently" could be added. It would be included in the plan itself, but can add that sampling and testing be performed by an independent testing.

Commissioner Challeen asked how the interval of annually is chosen.

Ms. Whelan replied that currently some wells are tested every other year and testing ponds every other year. Every year testing was done. With the new proposed monitoring well network, they would still follow annual testing, it would be out the new network.

Commissioner Challeen said she wished it was more often; she wanted to understand the logic.

Ms. Whelan discussed Condition B:

- The groundwater monitoring plan shall be provided to the city for review, comment, and approval by city staff and the city environmental consultant Barr Engineering, prior to any excavation below 840 feet sea level.
- Monitoring wells shall be installed, and one round of samples be collected prior to excavating below elevation 840 feet.

This is in response to the Environmental Commissions request on a timeline.

Commissioner Heidenreich said this seems too good to be true. He had four pages of documents suggesting to combine all these items into one condition. The reports are great. He said he thinks they should be reported in a specific month each year, maybe October. To have copies of the analytics be displayed in graph form and presented to the EAC. He said it shouldn't just be given to the city, but done as a presentation, perhaps in October, and firstly presented at the Planning Commission level to be able to see/follow.

Chair Niemioja said she did not think it would fall within Commission purview, but would with the Environmental Commission.

Commissioner Heidenreich mentioned that BETX seemed like a better alternative. He would like to see radium and sodium added back in to the list instead of taken out.

Ms. Whelan replied radium and sodium were never on the list of constituents to test. There was one lab report that contained many constituents, those were not supposed/let to be tested.

Commissioner Heidenreich asked if would be allowed to add those two to testing.

Mr. Wuolo replied he was unsure about radium. Macroions: sodium, potassium, calcium, carbonate, bicarbonate, chloride, and sulfate are major things that make up any kind of water, a cheap analysis. He recommends every time an analysis is done, this is used. Those ions need to balance, if they don't, something is wrong with the analysis.

Commissioner Heidenreich asked if adding those ions were agreed upon.

A response was heard in the affirmative.

Chair Niemioja made note of this to be added to Condition A., the testing of ions.

Ms. Whelan discussed Condition C:

- Bituminous Roadways shall submit an annual report to the city that includes water quality, water level, and water use data, including pumping records for the reporting year as well as previously collected data.
- A QAQC review of the water quality data, quantitative detection limits must be well below any applicable standards, and a summary of operations shall be included.
- Report shall include time series graphs of monitored parameters referenced to applicable drinking water standards.

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Commissioner Robertson said she is hearing some words that do not sound definitive at times. For example: when she asked about the independent lab. Originally, she heard Pace or someone else. To her that raises a red flag. She doesn't feel confident that the notion of using an independent lab is on top of the conditions. She doesn't know who Pace is. She said it would be very helpful to have credentials if naming independent labs.

Ms. Whelan replied that Pace is a well-known testing lab. The Department of Health has a list of accredited labs. The plan will say Bituminous Roadways must hire an independent MDH accredited lab to perform the sampling and provide the testing of the samples.

Commissioner Robertson requested that exact information be included.

Commissioner Weber asked if the reports would be posted on the city website for people to view.

City Planner Hunting replied they could be, they would work with the Environmental Planner to post.

Paul Saver, 7845 Boyd Court, stated for nearly 20 years he owned a piece of property directly across the street from Bituminous Roadways at 11278 Rich Valley. Every year that he owned the property, he had the well tested along with the city water at his house on Boyd Court. Every test had the well water at Rich Valley testing purer than the city water at his house. He said Bituminous Roadways is a very environmentally conscious company, he has no problems with them. He said he has offered them to test the water any time they want.

Joe Maltese, 11618 Akron Ave, closest residential well to the west side of Bituminous. He said he had a lot of notes and questions, but the Commission covered it. He thanked them for how thorough they had been on everything. He was happy to hear about the test well. He said he has been told that it is impossible for any pollutants that were to happen from the deeper well would affect his well about 1,500 feet away. He was looking for reassurance for him and his neighbors on the west side. He said Barr Engineering seemed adamant that it cannot go that direction. He wanted information to assure himself and his neighbors that it really is impossible for something to affect their wells. He said there have been issues over the years with noise, but they have been mitigated.

Mr. Wuolo replied there is no such thing as a 100% guarantee. If things don't change and stay as they are now, and nobody puts a high capacity well in the area, he can say with extremely, extremely, high level confidence that they would not have groundwater flowing to the west.

Jeff Brown, 11636 Akron Avenue, referenced an area at the lower left where it is wooded and asked if that would be mined.

Chair Niemioja stated that the response heard off screen was no, it was a buffer.

Commissioner Robertson asked if the conditions would be revised before this goes to the City Council. She questioned if this Commission would see what was said in the conditions before it goes to the City Council.

Chair Niemioja replied if adopting the condition with terminology the Commission wants included.

Commissioner Robertson wanted confirmation on the Minnesota Department of Health certified labs.

Ms. Whelan clarified what was asked for in the wording was that "all sampling and testing of the monitoring wells to be performed by a Minnesota Department of Health accredited testing lab".

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Chair Niemioja addressed Commissioner Heidenreich stated that he brought up great questions that he also brought up in November. It was helpful. She mentioned that the reports received from staff, Barr, and Sunde, were thorough and explanations of what the Commission was looking for was covered. She liked the idea of an independent testing process, she felt reassured.

Commissioner Heidenreich stated he spent hundreds of hours researching this. He received everything he asked for in all the reports and information he requested.

He mentioned Condition #8, The final disposal of moss on the site should be prohibited. He said he did not think they stored moss any longer, it's organic shingles. He suggested modifying it to say, "the storage and disposal of moss on site should be prohibited". All other notes he had were covered in the addendum received prior to the meeting.

A last condition he wanted to add, he calls #37, stating there is so much discrepancy on the level of the static water under the well. He would like to see that be a conditional use for the deeper mining be broken into a second part, put a limit on how deep the mine can go, or not allow it at this time until there is better information. He said they have the technology to use Lidar to receive better readings, they are not being provided the depths of the well heads. Depths of the neighboring wells are shown on a report, but skipped the new sealed wells. They cannot tell how deep that is. He would be more convinced to have information from a certified laboratory where the static ground water is. He said Barr has said it was at 850, they have heard it's at 790. He said he knows what it is to the west, he suspects what it is on the well that is sealed even though it could be an artisan affect. He was still unclear and unhappy with that part.

Chair Niemioja questioned if the information provided by Barr regarding technology changes over the past years did not satisfy.

Commissioner Heidenreich replied it was contradictory to other information known. His iPhone gives different numbers. He shared that unless there is a certified surveyor or the city goes in there, he would like to not have that in the conditions and say they cannot go below the 840. He thought they were below it already. Without survey results, there are discrepancies and misinformation, he would like to see it left out at this time.

Chair Niemioja said she was hesitant to say misinformation. She said there was a lot of information, testing has varied a lot over the years. She would not personally use that term.

Commissioner Robertson said her concern with what is being proposed is leaving out the statement about going below 840. She said it's important. She is not comfortable leaving out the 840, it needs to stay in to have a clear understanding of where the cutoff point is. If there are concerns, she said she would feel comfortable making a recommendation to City Council that they evaluate from a source they see appropriate. She mentioned there were numerous places they could ask someone independent to come in and check. She believes there is a need to move forward, they have addressed the conditions. She shared she doesn't want to hamstring this due to her expertise; she would rather see the Commission move forward, get things going, and have a recommendation made to the City Council about whether there are concerns about the 840 level and if it has been breached.

Commissioner Heidenreich stated they are going to be putting in monitoring wells the Commission didn't know about prior to today. One is going to be placed on Wicker Well, of which he was unsure they could do on private property. Once putting in the monitoring wells, the static elevation would be known. His suggestion would be to say they can be allowed to mine down to 840 but not within 20 feet of the surface of the water table. This gets them to 800 if the other data is correct. The water table, according to the chart, is well below the 800 point. If staying above 800 or 20 feet away from the norm water table, would be satisfactory and could base the information on the monitoring wells they are proposing.

Commissioner Robertson said the suggestion was made to not go below 20 feet above the water table. She said assuming the elevation of the water table is permanent and doesn't change, when putting in a condition that specific, does the top of the water table changes with how much it is being impacted environmentally. She is concerned about getting so specific.

Chair Niemioja opened the Public Hearing.

Mr. Wuolo replied the water table typically fluctuates 1-2 feet. With the monitoring wells being proposed and placed where stated, that is the measurement they would have for the slope of the water table and depth. He referenced the 20-foot buffer stating that it was somewhat arbitrary, but the Commission can put whatever protection they wanted on it.

Commissioner Robertson said she was concerned with stating 20 feet exactly. If the water table changes, they could find themselves with wells that didn't meet that criteria.

Mr. Wuolo suggested a seasonal average with a 1-2-foot mean around the average.

Chair Niemioja asked Mr. Wuolo if the recommendation the Commission would make goes beyond their scope as Planning Commissioners.

Commissioner Robertson liked the language presented by Mr. Wuolo better than giving a specific number.

Chair Niemioja was worried the Commission is taking on the role of the experts. She is trying to analyze reports, this is getting beyond her scope and is worried they are trying to over design what would happen here. She understands that oversight and review are important, water is important. She is concerned because she doesn't have a point of reference of understanding why those 20 feet matters. She doesn't feel comfortable, beyond the suggestions and the independent testing. She would not vote to change much more with some of the conditions.

Commissioner Heidenreich stated the City of Inver Grove Heights is the regulating government authority. The report he referenced from 2005 from the DNR gives very specific model ideas in what to look for. That is where he got a lot of information from. He said they are at 840 with a request to go to 800 feet. He said he thinks they will find that interferes with the water table. His suggestion is that they can allow them to go to 800 feet, unless they encounter the water table, then they have to stay away from it. Monitoring wells will give that information. He said they don't want to get to the point of getting so close to the aquifer that it infiltrates anything that gets spilled because there is almost no time to respond to it before it becomes a pollutant. They have to leave a buffer on top. The information he has shows the water table level to be closer to 810 feet. He doesn't want to allow them to go to 800 feet and find out they are at the water table; he feels they have to stay away from it.

Chair Niemioja said she respects the concern; she doesn't know if she feels comfortable changing it.

Commissioner Weber said he sees both sides. He can see where this may be over stipulating what professionals are saying. Living in the area he questions if he may vote on something where he may have made a mistake. He does not have city water. He suggested it be a recommendation not a condition for the City Council to further look. The condition can be approved but would like to see a more stringent wording on the condition, then the City Council can take it into their hands. He said this Commission/body looks at it from a land use perspective only, he was hopeful that making a recommendation to the City Council will be taken strongly, the condition would be looked at and further scrutinized.

Planning Commission Recommendation

Motion by Commissioner Weber, Second by Commissioner Robertson, to Approve the Temporary Sand and Gravel Zoning Renewal for a period of five years subject to 37 Conditions, revamping Conditions, 22, 23, 33, 34, and 35 with the wording provided. To include that the sampling and testing of the monitoring wells should be performed by a Minnesota Department of Health accredited lab for the request by Bituminous Roadways, Inc. for a Sand and Gravel Zoning District Designation Five (5) Year Renewal. (Case No. 22-37ZC), along with a recommendation on Letter B for the City Council to look further into manipulating the 800-foot mark to be more stringent with what happens with the wells put into place for monitoring.

Motion carried (5/0. 1 abstain-Heidenreich).

This item will go before the City Council on May 22, 2023.

5. REGULAR BUSINESS

6. COMMISSION AND STAFF COMMENTS

Chair Niemioja stated that the Environmental Advisory Commission, Parks and Recreation Advisory Commission, and the Planning Commission, all have vacancies. The city only benefits from people volunteering their time, giving their opinions, and their knowledge. The discussion tonight and the Environmental Commission helped make this decision stronger. It will help the City Council. She said it was important to volunteer for these Commissions.

If interested in applying for these Commissions, the information and the application form is on the city website at: www.ighmn.gov or contact the City Clerk. The application deadline has been extended until Monday, May 8th.

Chair Niemioja stated that last week was Administrative Professionals Day, she thanked Stacy Bodsberg, Community Development Support Specialist, for all the work she does. It is very appreciated.

7. ADJOURN

Motion by Commissioner Weber to adjourn the Planning Commission Meeting at 9:37 p.m.

Respectfully submitted, Sheri Yourczek, Recording Secretary

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, May 16, 2023 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. **CALL TO ORDER**

Chair Niemioja called the Planning Commission Meeting to order at 7:00 p.m.
The Pledge of Allegiance was recited.

2. **ROLL CALL**

Commissioners Present: Elizabeth Niemioja (Chair)
Scott Clancy (Vice Chair)
Robert Heidenreich
Joan Robertson
Jonathan Weber
Dennis Wippermann
Kate Challeen

Commissioners Absent: Jaime Besser (excused)
Vacant

Staff Present: Allan Hunting, City Planner
Heather Botten, Associate Planner
Stacy Bodsberg, Community Development Support Specialist

3. **CONSENT AGENDA**

A. Planning Commission Meeting Minutes for May 2, 2023, are not yet available and will be distributed at the next meeting.

4. **PUBLIC HEARINGS**

A. Consider a Request by Phoolcummarie Motilall, 10471 Barnes Ave, for a Variance from the Rear Setback and to Exceed the Maximum Size of an Accessory Building. (Case No. 23-19V)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Motilall - Case No. 23-19V, for property located at 10471 Barnes Avenue. The request consists of a Variance to allow an accessory building 4,000 feet in size when 2,400 square feet is the maximum size allowed. Notices were mailed to 7 property owners on April 26, 2023.

Presentation of Request

Associate Planner Heather Botten discussed the request for property located along Barnes Avenue and 105th Street. The property is currently zoned Agricultural. The lot size is about 5 acres and consists of a single-family home with a 3-car garage. There is an existing 3,200 square foot structure located about 58 feet from the northern property line. This past January the roof of the structure collapsed due to the heavy snow load. The applicant is requesting a Variance to build a structure 4,000 square feet in size, located 38 feet from the northern property line. Rural residential properties that are greater than 5 acres are allowed to have up to 2 detached structures with a gross square footage of 2,400 square feet. Any structures over 1,000 square feet in size are required to have a 50-foot setback from all property lines. The applicant states the structure is for their own personal items. The accessory building would comply with all other

Tuesday, May 16, 2023

zoning requirements such as exterior building materials and impervious surface on the lot. She stated that the city has recently modified the zoning code increasing the size of accessory structures on 3.4 to 5 acre lots. At this time, they have not gone above that. The maximum is still 2,400 square feet.

With this request, the location of the proposed structure is in the same general location. The additional size (20 feet) has moved into the northern part, encroaching into the northern setback. With this property, staff believes there is room to the south to add the additional square footage, or push the whole structure further south to comply with setback requirements. The property would be allowed to replace the existing structure up to the same square footage of 3,200 square feet. Staff believes the request for the additional square footage and the encroachment into the setback to be a convenience to the applicant and not a practical difficulty. Most of the lots in the general area are about 5 acres. With the vegetation, the structure already there, and other structures in the area, adding the additional square footage may not have an impact or alter the character of the neighborhood.

With regards to the variance criteria, the request is unique in economic considerations as they appear to be a part of the basis for the request. The applicants were not aware the rules had changed since first building the structure over 20 years ago and had already ordered the new 4,000 square foot structure. Due to it being a special order, they are unable to return it.

Economic considerations cannot be the sole basis for approving a variance request. Staff recommends denial of the request as they do not believe there is sufficient rationale to support the location and size of the accessory building.

She mentioned that an email was received from one resident who noticed the public hearing on the city website and thought this would be an additional structure. They were against the applicant having an additional 4,000 square foot structure but never followed up.

Planning Commission Discussion

Commissioner Clancy stated that there had been discussion about trying to work with square footage for accessory structures in agricultural zoned districts with previous applicants. He asked if there were special permissions allowed for accessory structures housing livestock.

Ms. Botten replied that if the sole use of the structure would be agricultural use it would be exempt from City Code requirements. In this case it is not a farming/agricultural use and would be for his own personal items.

Commissioner Heidenreich questioned what the original structure use was for.

Ms. Botten replied that 23 years ago the original structure was built for agricultural purposes. A building permit was not required at that time. Since then, building requirements have changed and a building permit is now required even if it is being used for agricultural use.

Commissioner Heidenreich questioned if the structure was ever used for agricultural use or if that was how they got around needing a building permit.

Ms. Botten replied that she was unsure.

Commissioner Heidenreich stated that he drives by there all the time and is concerned that the applicant has about 40-50 intermediate bulk containers all over his yard.

Ms. Botten replied that staff had asked the applicant about the containers in the yard and the applicant stated that they would be removed by the end of the summer.

Commissioner Robertson stated that the request was like one that the Commission dealt with two weeks ago. At that time, it was discussed that the City Council had not yet allowed any type of ratio, the standards are still the same. She said the difference with this request is that the applicant already ordered a shed based on an assumption that was not confirmed. Ms. Robertson stated that she knows someone who did the exact same thing in Rosemount, and it was not allowed to be returned, the Rosemount Planning Commission denied the resident's request. Her biggest concern was if changing the strategy, if someone would go ahead and buy it first. She questioned if that sets a precedent and if someone really wanted one, they may try to buy it first and then go to the Planning Commission. If being consistent, she suggests they be held to the same set of standards they held two weeks ago with the similar request.

Chair Niemioja stated that the applicant was not in attendance and that there was nobody in attendance in the audience.

Commissioner Weber stated that if switching to the rationale that was put in place for smaller acreages, this would still be 2,400. It would not matter if there was an updated code for 5+ acres, this would still be 2,400.

Chair Niemioja stated that staff is allowing the applicant to go beyond by grandfathering them in on the size Variance. They are getting additional square footage they would not normally be getting. It is a very narrow exception to be grandfathered in like this. She stated that there isn't a way for the Planning Commission to change the City Code to allow for a bigger structure or to go against the setback without a great practical difficulty. She does not see a practical difficulty.

Commissioner Weber stated that he was fine with the square footage due to the location of the property. He lives in the same area and understands that people have larger lots and want to keep things indoors. He referenced the home they had discussed on Rich Valley Boulevard that went over and above the allowed square footage. It was due to items the applicant wanted to store. He said driving by this property, it would probably be nice to see the things stored outside, be stored inside a building. This home is on the way to and from one of the most gorgeous and busy parks people go to on the weekends. He said he would support 4,000 square feet but cannot support the 38-foot setback because the building could be moved forward.

Chair Niemioja questioned what Commissioner Weber's rationale would be with supporting 4,000 square feet.

Commissioner Weber replied it would be for the primary reason of taking what is outside and putting it inside. He mentioned that some type of verbiage was used for Rich Valley in the past.

Commissioner Challeen said this seemed 100% consistent with what was discussed two weeks ago; that resulted in a denial.

Commissioner Robertson stated that would set a precedent. She doesn't want to allow someone to order a bigger building first and then see if it would be allowed. She does not want to get into the habit of saying there is a bunch of junk or an excess of materials in their yard and that maybe it would be approved so they could get their items out of the yard. That could be considered not valid rationales for exceeding building size or setback.

Chair Niemioja stated that there have been multiple instances where someone has come for a Variance after the fact. After the fact isn't always the best time to bring a request.

Commissioner Weber asked if the building materials were metal and post like the current one is.

Ms. Botten replied in the affirmative.

Commissioner Weber stated if the Commission does not approve the additional 800 feet, the applicant would just have excess material. The economic distress wasn't that much because the applicant can just build it shorter.

Opening of the Public Hearing

There were no attendees for the Public Hearing.

Planning Commission Recommendation

Motion by Commissioner Wippermann, Second by Commissioner Robertson, to Deny both Variance requests for Phoolcummarie Motilall, 10471 Barnes Ave, (Case No. 23- 19V) with the Reasons Stipulated in the Staff Report.

Motion carried (7/0). This item goes before the City Council on June 12, 2023.

5. REGULAR BUSINESS None.

6. COMMISSION AND STAFF COMMENTS

Commissioner Robertson stated that the meeting minutes from May 2, 2023, Planning Commission meeting were not included on this meeting and suggests that they be amended when they are available. Item D. Request by Bituminous Roadways, there was a condition or language added that states the independent lab to be used for testing would be one that was consistent with the Minnesota Department of Health. She said she thought it was said "accredited by", the Minnesota Department of Health does not accredit those kinds of laboratories. Accreditation is a significant process. She proposes when the minutes are written, they don't say "accredited by", it says "approved and recommended by the Minnesota Department of Health". She wanted this language changed before the minutes are approved.

Chair Niemioja stated that the minutes would have to be reported as the minutes were and that this change would be an amendment to those minutes.

Commissioner Robertson stated that when it comes time for those minutes to be approved, the Commission should make a motion to amend the minutes.

Commissioner Heidenreich stated that this item will go before City Council next Monday. He was doubtful any of this would be written by then and the decision would have been made.

Chair Niemioja questioned if a note can be made and passed along.

City Planner Allan Hunting replied he would look to see what the condition was. He said he thought the list would be used that was provided or registered with the Department of Health. He said Draft minutes would be a part of the packet that goes before the City Council. He would check the minutes for what was referenced.

Chair Niemioja stated that this meeting is Commissioner Robertson and Commissioner Challeen's final Planning Commission meeting of their term (by choice) and that they have added wonderful discussion to this Commission, and both were thanked. She stated that Commissioner Clancy was reappointed for another three-year term.

Commissioner Challeen stated that it has been a pleasure.

Commissioner Robertson shared that she has enjoyed it and likes it. There is a point where she believed she had to pull something off her bucket list, and she knew this would be left in good hands. She had no worries. If something comes up, she can always come and sit in the audience.

Associate Planner Botten mentioned there are items up for discussion for the next meeting.

7. ADJOURN

Motion to adjourn the Planning Commission Meeting at 7:21 p.m.

Respectfully submitted, Sheri Yourczek, Recording Secretary



Planning Commission Report

MEETING DATE:	June 6, 2023
CASE NO:	23-20V
APPLICANT:	Brett Phares
PROPERTY OWNER:	Brett & Joy Phares
REQUEST:	Variances from lot width and accessory structure on lot prior to principal structure.
LOCATION:	6938 Booth Avenue
COMPREHENSIVE PLAN:	LDR, Low Density Residential
ZONING:	R-1C, Single Family Residential
STAFF CONTACT:	Allan Hunting, 651.450.2554

ACTION REQUESTED

The specific requests for the project include the following:

1. A Variance to allow Parcel B to have a lot width at building setback line of 67.60 feet, whereas 85 feet is required.
2. A Variance to allow an accessory structure prior to the time of construction of a principal structure on Parcel B.

BACKGROUND

The applicant owns two parcels, one contains their house, the other is a vacant lot that has no frontage on a street and is only 9,537 square feet in size. They would like to adjust the lot line and rearrange the property so there is a north and south lot, both with a lot frontage on Booth Avenue. There is currently not enough lot frontage along Booth Avenue to rearrange the lots and have both lots meet the minimum lot width of 85 feet. The applicant is therefore requesting a Variance to allow Parcel B, shown on the attached survey, to have a lot width of 67.60 feet wide. The two lots have been in existence for some time. It is not known how or when the lots were created.

The proposed Parcel A would be 14,400 square feet in size, not counting the private roadway easement. The minimum lot size is 12,000 square feet. The new lot line would meet the required minimum setback of 10 feet from the existing home. The proposed Parcel B would be 12, 223 square feet in size, not counting the private roadway easement.

There is an existing shed in the southeast corner of the site. With the proposed lot boundary adjustment, the shed would end up on Parcel B. The City Ordinance requires that a principal structure must exist before an accessory structure is allowed. The applicant is also asking for a Variance to allow the accessory structure to remain on the lot prior to a principal structure.

EVALUATION OF REQUEST

VARIANCE

City Code Title 10, Chapter 3. Variances, states that the City Council may grant Variances when they are in harmony with the general purposes and intent of the Zoning Ordinance and consistent with the Comprehensive Plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested Variance, the City Code identifies criteria which are to be considered as practical difficulties. The applicant's request is reviewed below against those criteria.

1. The Variance request is in harmony with the general purpose and intent of the City Code and consistent with the Comprehensive Plan.

The easterly lot that is undeveloped is unbuildable in its present state due to no road frontage and it is small in size. By allowing the lot line adjustment, the lot lines can be reconfigured so the lot has frontage on Booth Avenue and the area of the lot can meet R-1C standards. The proposed lot width would meet the 70% rule, which is the minimum standard for lots of record to be considered a buildable lot. The Variance would allow a buildable lot where one does not exist at this time.

The existing accessory structure is located in the southeast corner and is a smaller shed but in good condition, according to the applicant. It cannot be easily moved onto Parcel A.

2. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.

Granting of the lot width Variance allows reasonable use of a parcel that is currently restricted due to lot size and no road frontage. The Variance would allow a new single family home on the lot, consistent with surrounding properties.

Having an accessory structure first on a lot does exceed the intent of the City Ordinance.

3. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The two lots have been in existence for some time, but how or when they were created is unknown. The current landowner did not create these lots in this configuration.

The shed already exists on a lot without a principal structure. It appears the shed did not need a permit based on the size of the structure. However, it would still have to comply with the standard of no accessory before a principal structure on the lot.

4. The Variance will not alter the essential character of the locality.

The reconfigured lot would allow for a single family home similar to the area. However, this would be the narrowest lot on Booth Avenue, so there would be some altering of the existing character. The essential character would appear to remain.

5. Economic considerations alone do not constitute an undue hardship.

Economic considerations do not appear to be a factor in this request.

ALTERNATIVES

The Planning Commission has the following actions available on the following requests:

A. Approval. If the Planning Commission finds the application to be acceptable, the following action should be taken:

- A Variance from Chapter 10-7-2. A to allow a parcel with less than 85 feet of lot width at setback line subject to the following conditions:
 1. An Administrative Subdivision approval shall be required to modify the lot boundary. The applicant is responsible for making application for such Administrative Subdivision prior to any survey being submitted to Dakota County.
 2. The Variance shall become void two (2) years after it was granted unless made use of within two (2) years or such longer period as the council, within two years, may provide. This is described in Chapter 10-3-4.F of the City Code.

Practical Difficulty: Granting of the lot width Variance allows reasonable use of a parcel that is currently restricted due to lot size and no road frontage. The Variance would allow for a new single family home on the lot, consistent with surrounding properties.

- A Variance from Chapter 10-5-1 to allow an accessory structure on a lot prior to the time of construction of the principal building subject to the following conditions:

Practical Difficulty: To be determined.

B. Denial: Should the proposed request, or portions thereof, be found not acceptable, the appropriate requests described above should be denied. The basis for denial must be stated in any such motion.

RECOMMENDATION

Staff believe there is a rationale for approving the lot width Variance as it allows for the creation of a buildable lot. Staff does not find a rationale to support the Variance to allow the accessory structure to remain on the new Parcel B. While the shed is located on the current back lot without a house, it should be moved to Parcel A, or moved altogether.

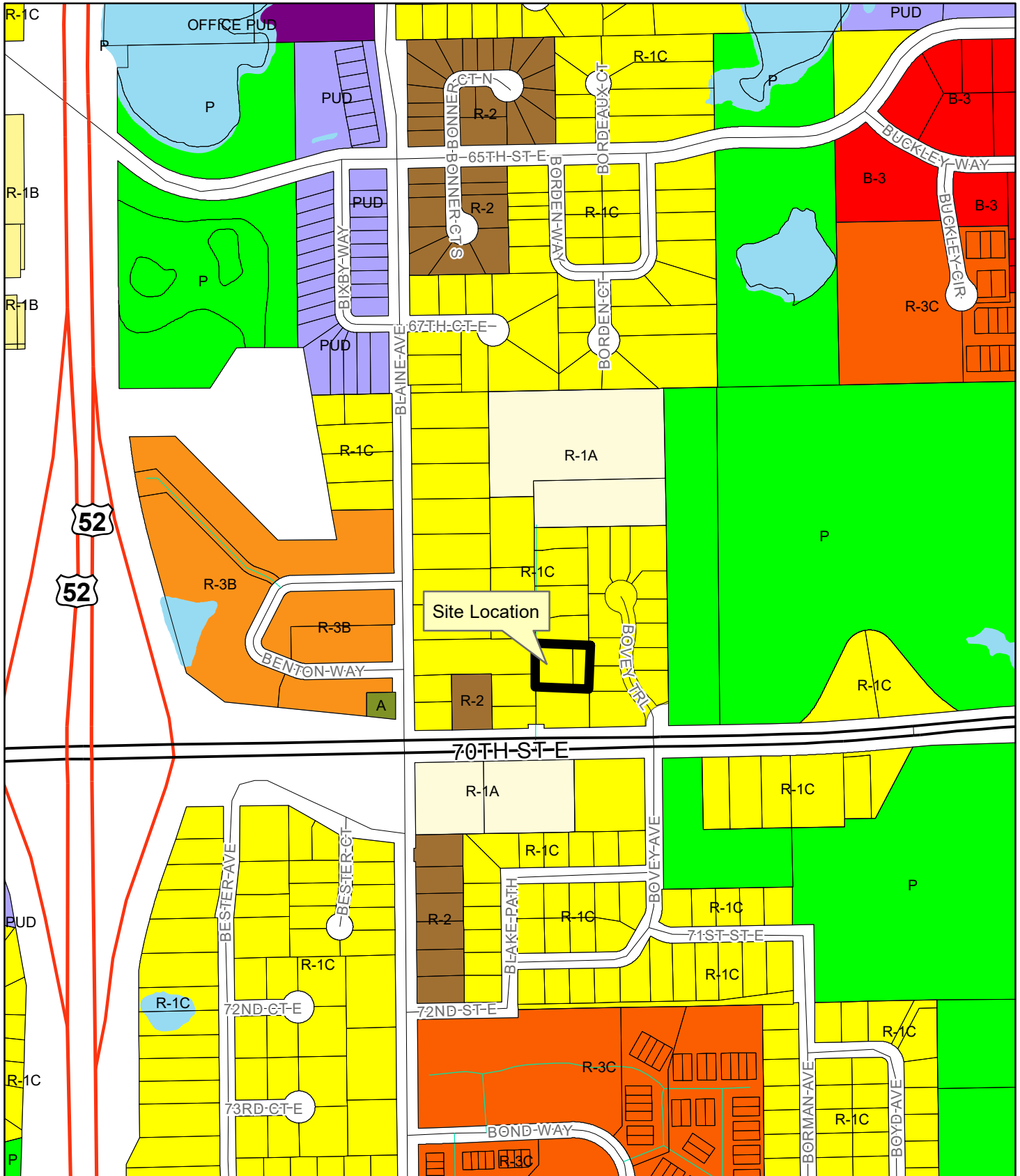
ATTACHMENTS

1. Location Map
2. Narrative
3. Survey



Location Map

Case No. 23-20V



May 5, 2023

City of Inver Grove Heights -Planning & Zoning
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Re: Variance for 6938 Booth Ave
From: Brett & Joy Phares

We are writing to request a variance to our property. We are now retired and it is getting harder to take care of all of the lawn care, etc. to our large lot. Our children are now adults and not living with us anymore. We are also main caretakers for Joy's elderly mother that lives in Richfield and has Alzheimer's, this does require a lot of our time.

After it is split, we are hoping to sell our side lot for a single-family dwelling. At this time, we are asking for a Variance to allow for the new lot to be less than 85 feet wide.

Enclosed is our application fee of \$252.00, our application and other documents needed for this request.

Thank you for your time and consideration.

Brett and Joy Phares
6938 Booth Ave
Inver Grove Heights, MN 55076
651-315-1606 (Brett's cell)

Made For:
Mr. Brett Phares
6938 Booth Avenue East
Inver Grove Heights, MN 55077

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota

Ryan M Peterson April 18, 2023

Ryan M. Peterson
Registered Land Surveyor
Minnesota Registration No. 60424

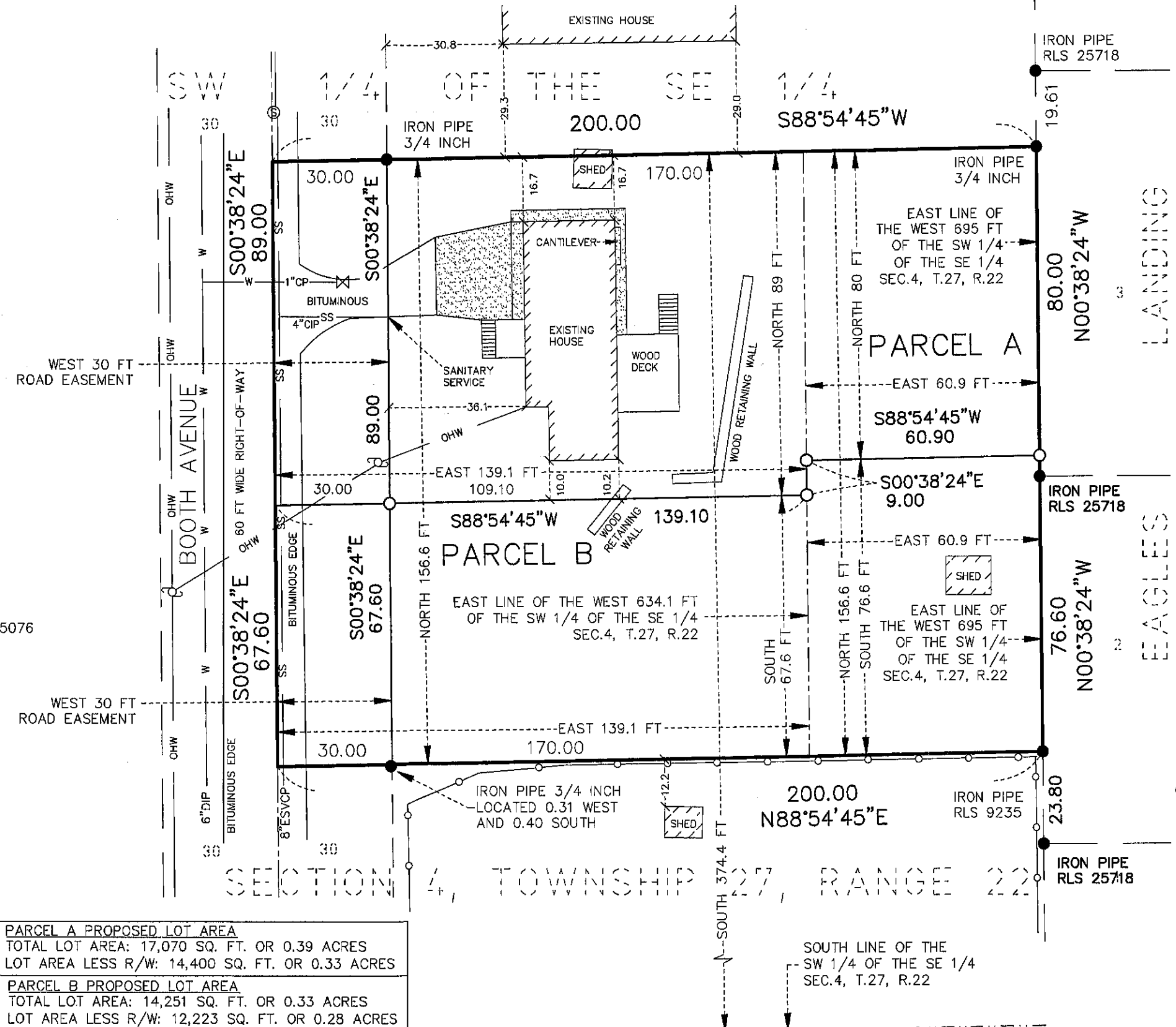
LAKE AND LAND SURVEYING, INC.
1200 Centre Pointe Curve, Suite 375
Mendota Heights, Minnesota 55120
Phone: 651-776-6211

TOTAL EXISTING LOT AREA: 31,321 SQ. FT. OR 0.72 ACRES
SITE ADDRESS: 6938 BOOTH AVENUE, INVER GROVE HEIGHTS, MN 55076

- Denotes 12 Inch Common Spike set with washer stamped RLS 60424 or as noted to be set after lot split approval.
- Denotes Iron Monument found size, type, & RLS as noted.
- Ⓢ Denotes Sanitary Sewer Manhole
- OHW— Denotes Overhead Utility wires
- ⤿ Denotes Utility Pole
- Denotes Wood Fence
- Denotes Chain-link Fence
- Ⓜ Denotes Gas Meter
- ⓔ Denotes Electric Meter

BASIS OF BEARINGS: DAKOTA COUNTY
COORDINATES NAD83 (1986)

LAKE & LAND SURVEYING, JOB NO. 2023.053 RP



GRAPHIC SCALE
1 INCH = 30 FT.

CERTIFICATE OF SURVEY

LAKE AND LAND SURVEYING, INC.

1200 Centre Pointe Curve, Suite 375

Mendota Heights, Minnesota 55120

Phone: 651-776-6211

Made For:

Mr. Brett Phares

6938 Booth Avenue East

Inver Grove Heights, MN 55077

Legal Description (Warrant Deed)

The North 156.6 feet of the South 374.4 feet of the East 139.1 feet of the West 634.1 feet of the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section Four (4), Township Twenty-seven (27), Range Twenty-two (22).

And

The East 60.9 feet of the West 695 feet of the North 156.6 feet of the South 374.4 feet of the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4), in Section Four (4), Township Twenty-seven (27), Range Twenty-two (22).

Also a permanent easement for road purposes over and across the West 30 feet of the East 139.1 feet of the West 634.1 feet of the South 374.4 feet of the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section Four (4), Township Twenty-seven (27), Range Twenty-two (22), according to the Government Survey thereof.

Proposed Legal Description: (Parcel A)

The North 80 feet of the South 374.4 feet of the East 60.9 feet of the West 695 feet, and the North 89 feet of the South 374.4 feet of the East 139.1 feet of the West 634.1 feet of the Southwest Quarter of the Southeast Quarter of Section 4, Township 27, Range 22, Ramsey County, Minnesota. Subject to a permanent easement for road purposes over, under, and across the West 30 feet thereof.

Proposed Legal Description: (Parcel B)

The South 76.6 feet of the North 156.6 feet of the South 374.4 feet of the East 60.9 feet of the West 695 feet, and the South 67.6 feet of the North 156.6 feet of the South 374.4 feet of the East 139.1 feet of the West 634.1 feet of the Southwest Quarter of the Southeast Quarter of Section 4, Township 27, Range 22, Ramsey County, Minnesota. Subject to a permanent easement for road purposes over, under, and across the West 30 feet thereof.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota

Ryan M. Peterson

April 18, 2023

Ryan M. Peterson
Registered Land Surveyor
Minnesota Registration No. 60424



Planning Commission Report

MEETING DATE:	June 6, 2023
CASE NO:	23-23V
APPLICANT:	Ryan Rechtzigel
PROPERTY OWNER:	Same as Applicant
REQUEST:	Variance from the maximum size of an accessory structure
LOCATION:	5850 Asher Avenue
COMPREHENSIVE PLAN:	LDR, Low Density Residential
ZONING:	R-1B, Single Family Residential
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The request consists of the following:

A Variance from City Code Sections 10-9A and 10-15-18 to allow an accessory structure 1,365 square feet in size whereas 1,000 gross square feet is the maximum size allowed.

BACKGROUND

The applicant is requesting an after-the-fact Variance to allow a 1,365 square foot accessory structure. The property is 0.52 acres in size and zoned R-1B, Single Family Residential. The maximum size of an accessory structure allowed in the R-1 district is 1,000 gross square feet.

The house on the property was built in 1973. It originally had an attached single-stall garage. Previously to the current owner acquiring the property, the garage was converted into living space. A 970 square foot detached garage was then constructed on the property behind the home. When Mr. Rechtzigel acquired the property, he demolished the detached structure as it was in disrepair and replaced it with the new structure. The garage is setback behind the house and meets all required setbacks. The applicant calculated the impervious surface on the property, including the detached garage, the property exceeds the maximum allowed. Once the Variance process is complete, a Stormwater Facilities Maintenance Agreement will be required between the owner and the City to treat the additional hard surface.

EVALUATION OF REQUEST

The following Land Uses, Zoning Districts, and Comprehensive Plan designations surround the property:

North	Vacant / ISD 199 Property	Zoned: P, Institutional	Guided: Public Open Space
East	School / ISD 199 Property	Zoned: P, Institutional	Guided: P, Public Institutional
West	Single Family Residential	Zoned: R-1B, Single Family	Guided: LDR, Low Density Residential
South	Single Family Residential	Zoned: R-1B, Single Family	Guided: LDR, Low Density Residential

VARIANCE REVIEW

City Code Title 10, Chapter 3. Variances, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the Zoning Ordinance and consistent with the Comprehensive Plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested Variances, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

1. The Variance request is in harmony with the general purpose and intent of the City Code and consistent with the Comprehensive Plan.

The City Council has reviewed and modified the allowed size of accessory structures over the years, increasing the size on larger lots, but has held the size in the urban areas to control the massing of structures. Even though the applicant is only asking for a 365 square foot Variance, staff does not believe the Variance request is consistent with, or in harmony with the Zoning Ordinance and Comprehensive Plan.

2. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.

Single-family homes with an attached garage are allowed one detached accessory structure, up to 1,000 gross square feet. In this case, the property does not have an attached garage. City Code does not allow any flexibility for properties that do not have an attached garage to have more than one or larger detached structures.

The property can be used in a reasonable manner without the need for a Variance as a 1,000 square foot detached garage is allowed on the property.

3. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The property may be considered unique in that there is not an attached garage and due to the layout of the home and location on the lot, it is not conducive to add an attached garage.

A larger structure appears to be a convenience to the landowner and not necessarily dictated by unique circumstances of the property.

4. *The Variance will not alter the essential character of the locality.*

The applicant's property is 0.52 acres in size. A maximum accessory structure size of 1,000 square feet was based partly on limiting the size or bulk of buildings on R-1B lots. Allowing large accessory buildings could have visual impacts on neighborhoods. The applicant's lot is abutting school district property to the north and east. The lot to the south received an accessory structure Variance in 2004. Due to the size of the lots, location of the structure, size of a neighboring structure, and the fact the applicant does not have an attached garage, the proposed structure does not necessarily appear to alter the character of the neighborhood.

5. *Economic considerations alone do not constitute an undue hardship.*

Economic considerations do appear to be a basis for the request. The structure is already built. The applicant hired a contractor to build the garage, and neither party pulled a permit.

ALTERNATIVES

A. Approval. If the Planning Commission finds the application acceptable, the following request should be recommended for approval:

- Approval of a Variance to allow an accessory structure of 1,352 feet in size subject to the conditions listed below:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
 2. The accessory structure shall not be used for commercial uses, storage related to a commercial use, or home occupations.
 3. A Stormwater Facility Maintenance Agreement shall be approved between the City and the applicant prior to receiving the final Certificate of Occupancy for the structure.

Practical difficulty: To be stated.

B. Denial. If the Planning Commission does not favor the proposed request(s), it should be recommended for denial, which could be based on the following rationale:

1. Denying the Variance request does not preclude the applicant from reasonable use of the property.
2. Approval of the Variance could set a precedent for other accessory building size Variances.
3. The facts presented did not satisfy the criteria needed to show a practical difficulty on the lot to support granting a Variance. A larger structure appears to be a convenience to the landowner and not dictated by unique circumstances of the property.

RECOMMENDATION

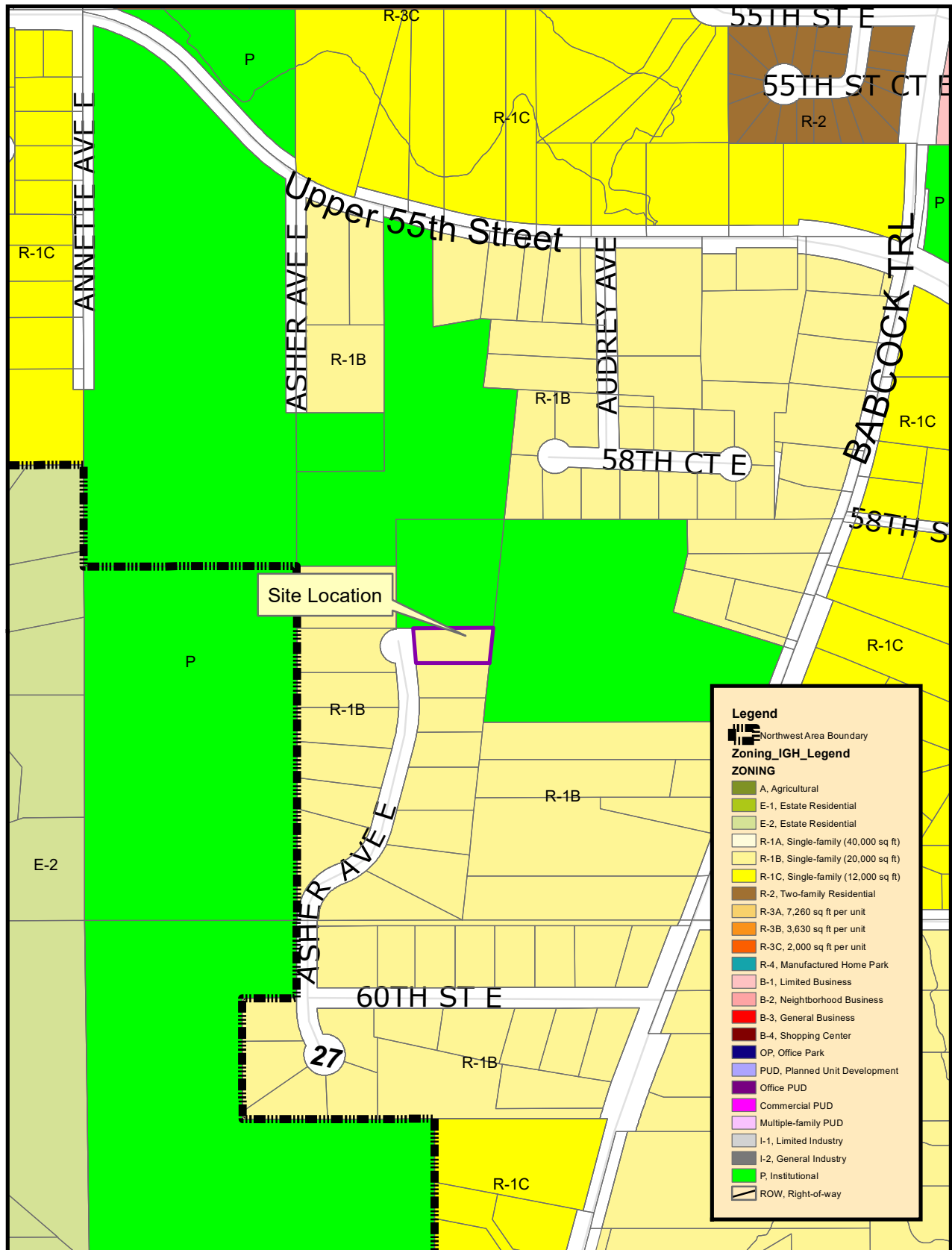
Over the years, City Council has not changed the maximum size allowed of accessory structures in urban areas. When they have increased the size in rural areas, staff considers this to be the direction for the City to limit size of accessory structures. Staff does not believe there is sufficient rationale to support all criteria of a Variance review and therefore recommends denial of the request as proposed.

ATTACHMENTS

1. Zoning and Location Map
2. Narrative
3. Site Plan



5850 Asher Avenue



THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILED RECORD OF INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

Map produced by the City of Inver Grove Heights GIS Dept.
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Exhibit A Zoning and Location Map

Map not to scale

Surrounding Property Owner Information

Across Street:

5851 Asher Ave, Inver Grove Height 55077

Alex J Voves

Abutting Property To South:

5866 Asher Ave, Inver Grove Heights 55077

James & Melanie Stickler

Abutting Property To North:

Independent School District 199

Variance Narrative

Request by owner to the city of Inver Grove Heights for the variance to increase the allowable square footage of a detached garage.

Property Data

Address: 5850 Asher Ave

Section Township Range: 32-28N-22W

Zoning: R-1B

Lot Size: 22,837 Sq Ft

The Subject Property is located at the end of Asher Ave on the end of the cul-de-sac. Which has only one abutting neighbor. The current house on the property was built in 1973 with a foundation size of 1706 Square feet. The house was originally built with a tuck under garage which in turn led to flooding of the basement. At some point the garage stall openings were replaced with cinder blocks and the driveway was backfilled. Owners then built a detached garage that was roughly 960 square feet but neglected the main power line feeding the house. The power line now is dangerously close to the ground. When purchased by Ryan, The garage was beyond saving (Filled with mold and rotten to the point it was a hazard to anyone on the property).

The variance request is to increase the maximum detached structure square footage to 1365. The current property layout does not allow for an attached garage to be built. The current neighbor to the south was approved for a variance for a detached structure with a square footage of 1152 but also has a 780 square foot attached garage.

If the variance is approved the owner will be able to enjoy a garage large enough to store collector cars in and still be able to park inside during the winters.

The property owner to the south that shares a property line with the structure in question approves the variance.

Variance for Practical Difficulties and Circumstances Unique to the Property

That because of the special circumstances applicable to the property including its size, shape, topography, location and surroundings will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

The variance request to increase the allowable square footage of a detached structure is due to the unique shape of the lot and placement of the existing house. The placement of the house only allows for a single car lane to be placed to the north of the lot to not encroach on the school district property. Which in turn does not allow for an attached garage to be constructed. Thus the garage must be placed in the back yard of the house.

Due to the neighbor's lot layout, he was able to build an oversized accessory structure while maintaining an attached garage for daily vehicles to be parked. Granting him the ability to use the back garage as a fully open garage for cars and trucks and tools for his job to be stored.

The additional 336 square feet requested will be used to allow for the new owners to store their classic cars and daily driven vehicles in the garage simultaneously.

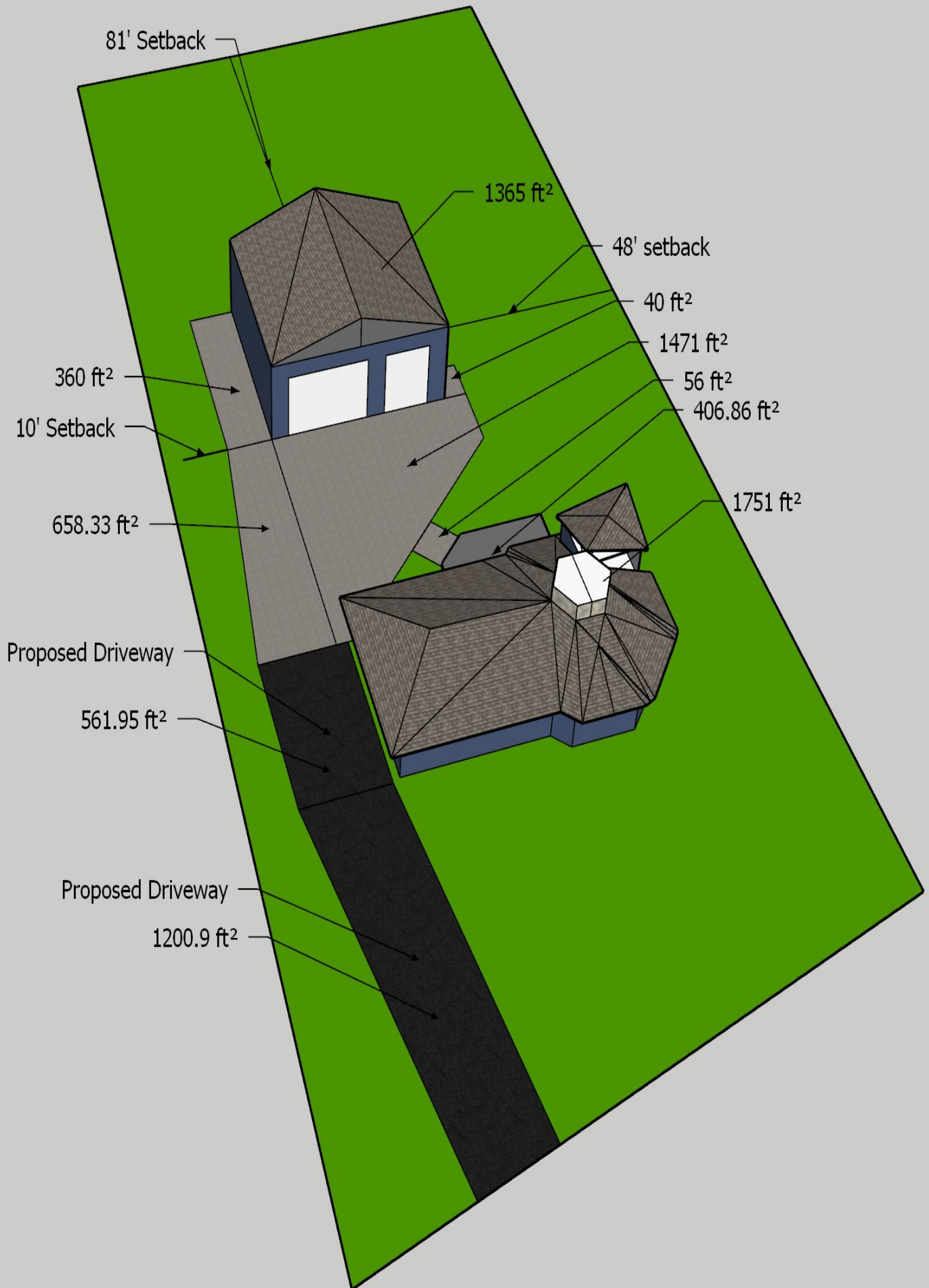
Practical and Beneficial Use

If the variance is approved the detached structure will be used as a place to park daily driven vehicles and collector cars for the owner as well as tools for his tile and stone business. Which will allow for items to be placed inside out of the weather which will in turn clean up the street view of the lot making it more appealing to neighbors and passerby's.

Circumstances leading up to the erection of the Building and Concrete

On a job site I had met a guy who told me he would be able to build the garage for me. I was under the impression that he was a licensed contractor and that all building permits were pulled prior to the erection of the building. The supposed contractor by the name of "Jeff Ruddy" came to my house and had me go and purchase the materials to frame the building. He installed all footings and concrete slab prior to framing. He stood up the building in 3-4 days and had it roofed. He then asked me for payment and I gave him cash for the labor that he had done up to that point. After that I was unable to get into contact with him. The building sat without siding or windows installed only with house wrap on it for about 3 weeks until I got fed up with it and had a few friends of mine come over to get it finished. We installed the windows and the siding, soffit and fascia. I then hired a company to come install the garage doors.

Being this is my first house, I am now aware I should have done more due diligence with vetting the contractor prior to the construction of the building. All I was looking to do was create a nice house for me to start a family in. Moving forward I will make sure that all permits are properly pulled and by licensed individuals.





Planning Commission Report

MEETING DATE:	June 6, 2023
CASE NO:	23-21CPA
APPLICANT:	Ilya Zubarev
PROPERTY OWNER:	Joseph Zywiec
REQUEST:	Comprehensive Plan Amendment to change Land Use from Mixed Use to MDR, Medium Density Residential.
LOCATION:	Buckley Way and Buckley Circle
COMPREHENSIVE PLAN:	Mixed Use
ZONING:	B-3, General Business
STAFF CONTACT:	Allan Hunting, 651.450.2554

ACTION REQUESTED

Comprehensive Plan Amendment to change Land Use from Mixed Use to MDR, Medium Density Residential.

BACKGROUND

The applicant is proposing to change the Land Use designation of a vacant 0.92 acre parcel to residential for a potential future townhome project consisting of approximately 10 dwelling units.

A sketch plan has been provided showing two rows of townhomes with five units each along either side of a private driveway gaining access to Buckley Circle.

If the Comprehensive Plan Amendment is successful, an application for Rezoning, Platting, and Conditional Use Permit will be required before development can occur. This latter process provides for public review and comment on the actual site plan.

Surrounding Uses

The subject property is surrounded by:

North: Office Buildings; Zoned B-3, General Business; Guided Mixed Use.

East: Commercial and Office Buildings; Zoned B-3; General Business; Guided Mixed Use.

West: Vacant (old rubbish dump) and Townhomes; Zoned B-3, R-3C, Multiple Family; Guided Mixed Use, MDR, Medium Density Residential.

South: Townhomes; Zoned R-3C; Guided MDR, Medium Density Residential.

EVALUATION OF REQUEST

Comprehensive Plan Amendment

The subject parcel is currently guided Mixed Use.

Mixed Use is defined in the 2040 Comprehensive Plan as:

"Mixed Use areas consist of lots or parcels that contain a mix of retail/service Commercial, Office, Institutional, Higher Density Residential, Public Uses and/or Park and Recreation Uses, Organized in a pedestrian-friendly environment. High Density Residential components within Mixed Use are intended to accommodate housing at densities exceeding 12 units per net acre. Residential uses in this category will be principally limited to higher density apartment or condominium buildings for either general occupancy or for specific segments of the population such as senior housing. It is expected that 1/3 of these areas will develop as non-residential and 2/3 will develop as residential uses."

The applicant is proposing the change the Land Use designation to MDR, Medium Density Residential (8-12 units/acre) to fit the sketch plan of 10 townhome units.

MDR, Medium Density Residential is defined in the 2040 Comprehensive Plan as:

"Medium Density Residential accommodates somewhat higher residential densities ranging from 8-12 dwelling units per net acre. Uses in this classification include higher density townhome developments and apartments, all with full public utility service."

The general area around the intersections of 65th Street and Buckley Way at Cahill Avenue was guided Mixed Use in the 2040 Comprehensive Plan. It was envisioned that this area has some greater development potential than what exists. A higher and better mix of uses would be a benefit to the City. For example, the Village Square shopping center has large portions of the site used for a parking lot area. Over the years, the intensity of the site has been reduced when portions of the old shopping center were removed and only three smaller buildings remain. The balance of the site includes large parking areas that are left unused. A possible redevelopment of the area could contain a mix of commercial and higher density residential uses that could be walkable and contain their own amenities. It could also contain some elements of a "city center" type development. This would be a larger redevelopment prospect and could take several years before something happens.

The main issue is what is the most appropriate future land use for the property. The following discussion addresses some of the issues that Staff has raised regarding the land use change.

Existing Uses

The site is currently surrounded by a mix of different residential, commercial and office type uses. There are townhomes to the south, small apartment buildings to the southwest, a vacant site with contamination problems to the west, commercial/medical to the east and office type uses to the north.

The following provides some rationale for approval and denial of the proposed land use change.

Rationale for the Land Use Change

- The existing area already contains medium density housing to the southwest and south. A change to residential would fit the area and not be out of character.
- The site is visibly separated from the commercial development along Cahill Avenue. A commercial development may be challenged since a business would not be visible to passing traffic along Cahill Avenue.
- The applicant has indicated that a common funding source for a business to fund their project is the Small Business Association (SBA) Loan Program. Because this site is near or has portions that may have been impacted by an old dump site, called the "Rubbish Ranch", the loan application process is more costly and therefore less desirable for a smaller business.

Rationale Against the Land Use Change

- The property is currently zoned B-3, General Business. The City Council has been reluctant to change land use designations or zoning, which would reduce the number of vacant commercially zoned parcels available for future development. In February 2023, City Council denied the request of Blackshire Flats, Case No. 23-01PA to change a land use designation from Regional Commercial to High Density Residential.
- If portions of the Cahill Ave / 65th Street area did begin to redevelop with more residential, keeping properties with commercial guiding would provide future commercial properties. It would appear larger scale redevelopment, including Village Square, is still a number of years off, therefore retaining the current land use pattern keeps commercial opportunities open.

ALTERNATIVES

The Planning Commission has the following alternatives available for the proposed request:

A. Approval. If the Planning Commission finds the application acceptable, the Commission should make the following recommendations:

Approving the Comprehensive Plan Amendment from Mixed Use to MDR, Medium Density Residential subject to the following conditions:

1. The Metropolitan Council shall not require any significant modifications to the Comprehensive Plan Amendment.
2. The Metropolitan Council shall not make a finding that the Comprehensive Plan Amendment has a substantial impact or contains a substantial departure from any metropolitan systems plan.
3. The Comprehensive Plan land use change shall not become effective until a Rezoning and Development Plan has been approved by the City Council.

B. Denial. If the Planning Commission does not favor the Comprehensive Plan Amendment, a recommendation of denial should be forwarded to the City Council. With a recommendation of denial, findings or the basis for the denial should be given.

RECOMMENDATION

The primary question to answer is whether changing to Medium Density Residential is a benefit to the City and, if so, should the land use plan be changed for the parcel?

The City Council has been reluctant to change land use guidance or zoning from commercial to residential, so the future potential for commercial is not lost.

The Planning Commission is asked to make a recommendation to the City Council on this land use change request.

ATTACHMENTS

1. Location Map
2. Existing/Proposed Comp Plan Map
3. Narrative & Concept Plan



Location Map

Case No. 23-21CPA



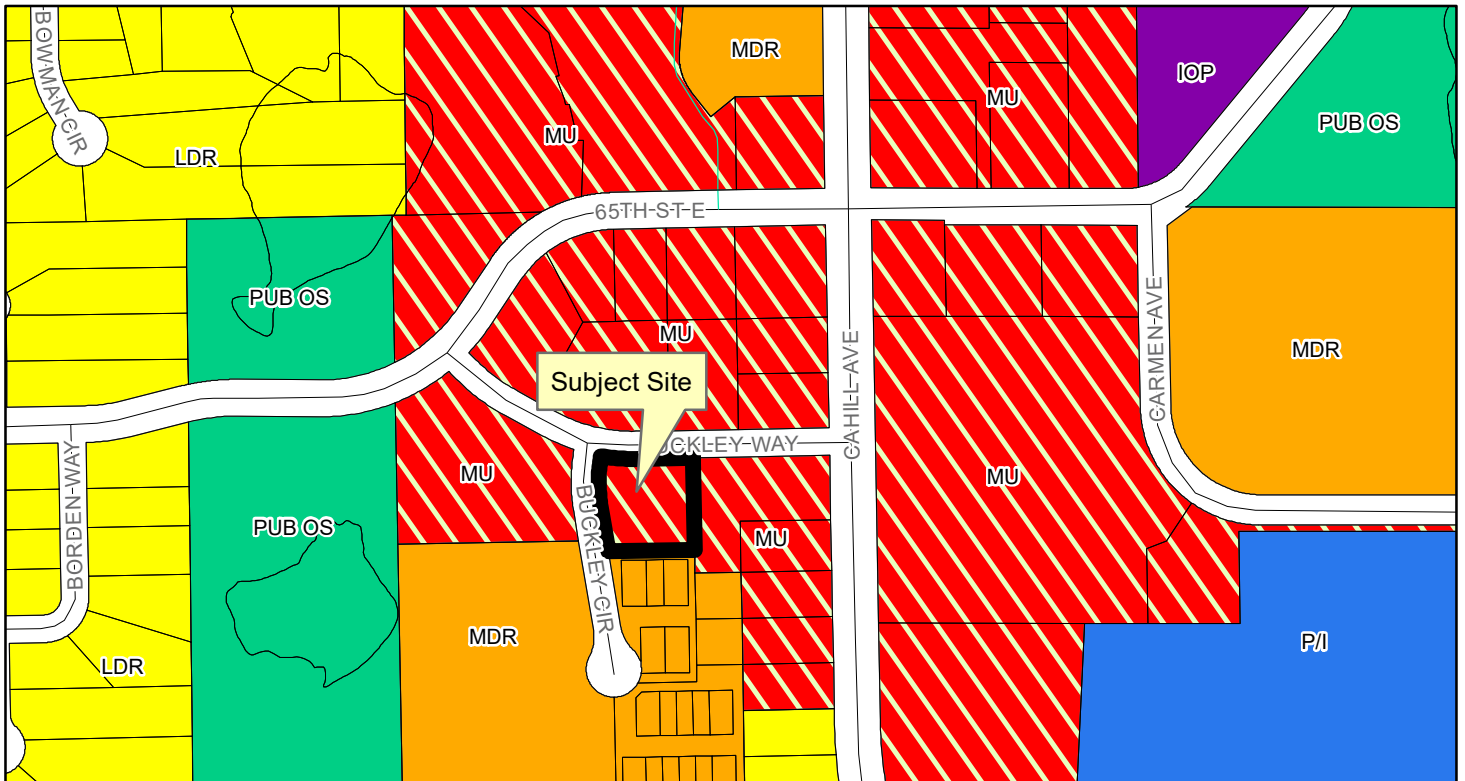


Zubarev Comp Plan Map

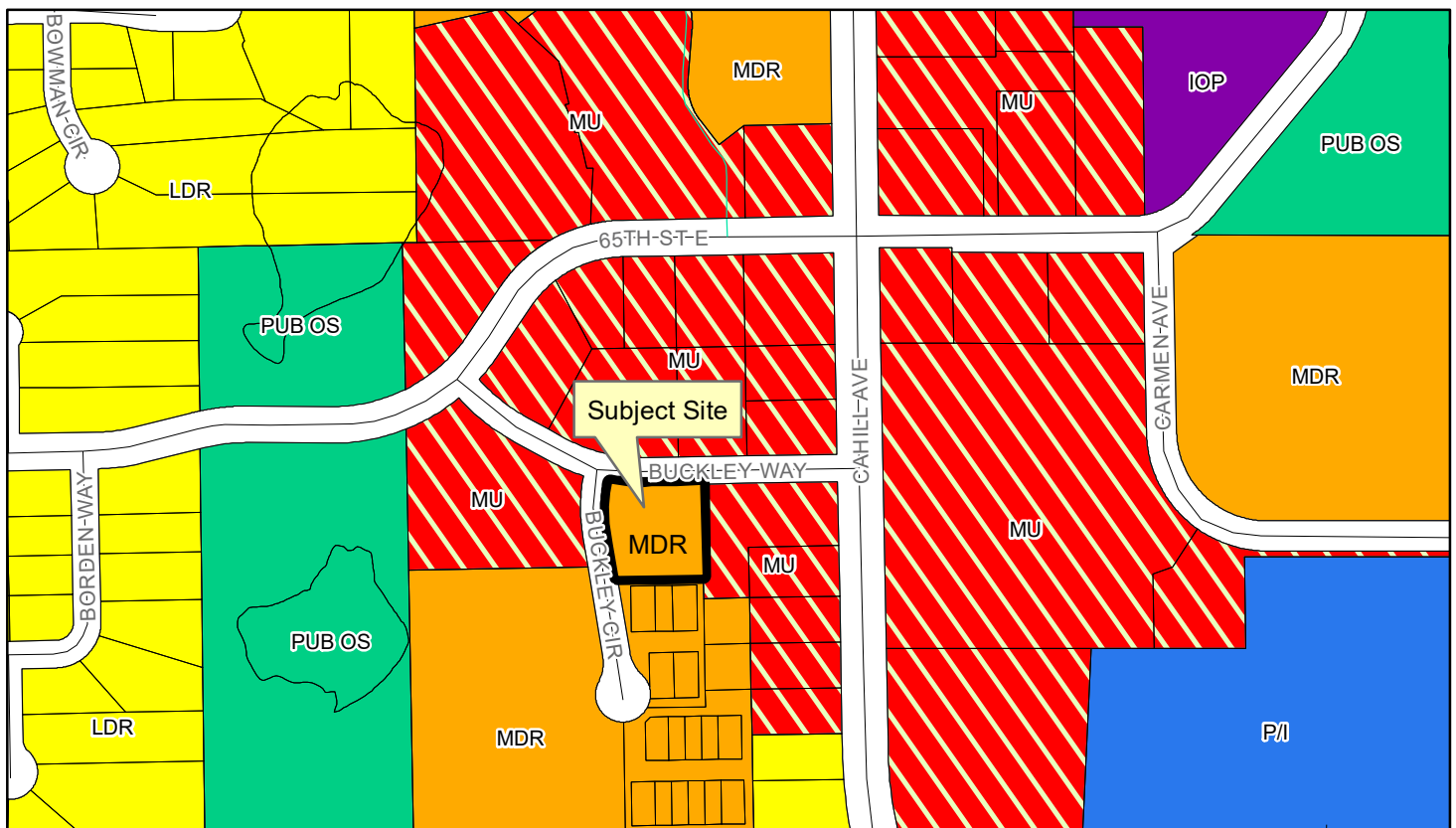
Case No. 23-21CPA



Existing Comp Plan



Proposed Comp Plan



Comp Plan Amendment Written Narrative

Summary Overview

This is a request to amend the comprehensive land use plan for a parcel of land in Inver Grove Heights from commercial business use to multi-family use. The petitioner's plans for this parcel after purchase are explored in the document as well as an argument for plan amendment using the following rationale.

- This land will not be purchased by a business loan due to specific SBA requirements
- It is causing unnecessary hardship to the property owner
- This zone change will not interfere with previous city plans, because it is not a "spot-rezone"

Property to be Considered

Legal Description: Valley View 4th Addition
Out Lot A

Dakota County Parcel ID # 20-81403-00-010

Rationale for Plan Amendment

Land Cannot be Developed with SBA Loan
Loans through the Small Business Administration (SBA loans) are the most common lending vehicle used by small businesses for several reasons including broad eligibility requirements, high loan offers, capped interest rates, and a government guarantee. Even businesses typically not approved for traditional loans could get an SBA loan. However, this particular property cannot accept funding through an SBA loan.



Figure 1: Aerial view of parcel with dimensions

The SBA has implemented an environmental due diligence requirement when passing an updated version of "Standard Operating Procedure 50.10.5(K)". This SOP changes eligibility requirements such that every SBA loan must undergo an environmental contamination investigation for any land previously used for purposes that are potentially damaging to the environment. Things like dry cleaners, gas stations, and waste disposal sites.

The seller's agent has informed us that the property under consideration for comp plan amendment was once known as the "Rubbish Ranch Dump". It is listed in the archives of the EPA (Environmental Protection Agency) as a potentially contaminated property due to this history as a waste disposal site. It is possible to go through an appeal process with the SBA. This would include testing and mitigation of contaminants, but it can be both costly and risky. Authorized SBA lenders typically do not want to deal with this process, so they simply deem the loan to be too risky and deny the borrower financing. Therefore, if this land is left with a commercial business land use plan, then it is unlikely that the land will ever be developed.

Causing Unnecessary Burden

Due to this eligibility requirement for SBA loans, the current comprehensive land use plan on this property is causing an unnecessary burden to the current property owner. The owner has been attempting to sell this property for 20 years according to Dakota County. Several buyers over several years have pulled their offer due to these environmental issues. This is exacerbated by the fact that commercial business real estate has been dropping considerably since the COVID pandemic. People are not going into the office, and getting their groceries delivered. Therefore, other business-use land for sale is easily found without environmental concerns. These facts have made selling this property a nightmare.

The applicant for this comprehensive land use plan amendment offers a solution. My wife and I would like to buy this land and chase a dream of building family townhomes on it. We are using a conventional loan, so we will be able to purchase it without SBA approval. We are also uniquely willing to explore any testing and contaminant mitigation that might be required to make sure this land is well cared for.

Not a “Spot-Rezone”

Spot-rezoning is the application of a land use plan to a specific parcel of land which clashes with the overall city plan for the surrounding area. This can pose a possible risk of excessive stress on the surrounding transportation network or other public facilities. For example, allowing someone to build a restaurant in a single-family neighborhood creates problems for utility use, traffic, parking, truck deliveries, and sewage capacity.

As shown in Figure 2 below, the property to be considered is already bordering an area with a multi-family land use plan. Therefore, this location already supports the necessary infrastructure to allow for multi-family housing. This would not be a *spot-rezone*, but an extension of an already existing multi-family area which fits with the city’s master plan. The current commercial business use plan does not work well for this particular property. A multi-family land use plan is the most reasonable thing to change it to.

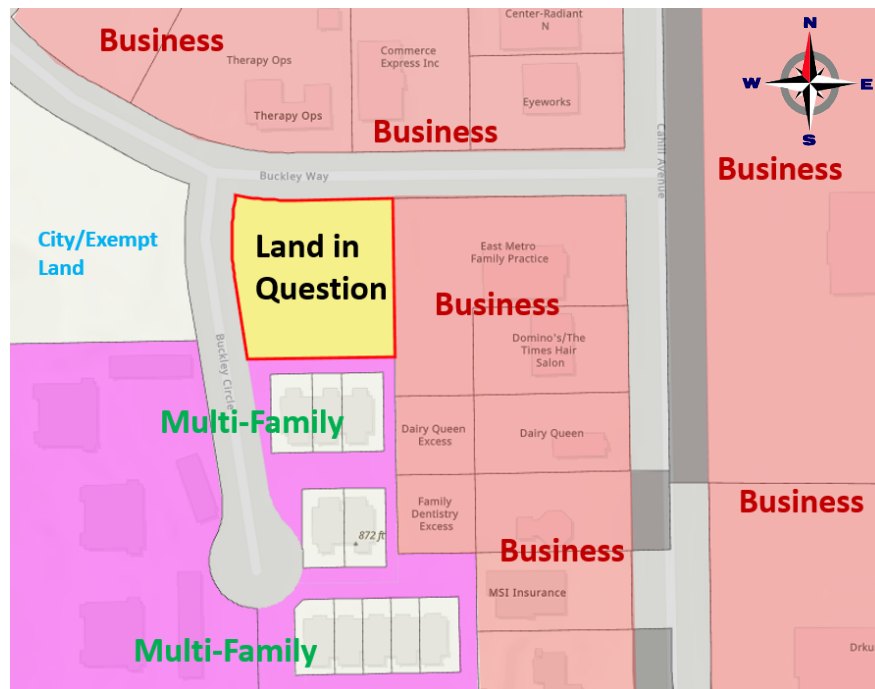


Figure 2: Map of city comprehensive land use surrounding the land in question.

Our Plans

We would like to build affordable townhomes with solar roofs and a passively energy-efficient design.

Plot Design

An overall plot design drawn to scale is shown in Figure 3 below. This is the proposed plan for this parcel of land. Note that all setback and coverage limits are designed within the limitations of section 10-9C of the Inver Grove Heights city ordinances for R3-B zoning districts, and section 10-15B for townhouses. The dimensions labeled in blue are the minimum requirements according to these ordinances.

A long-term plot design is drawn out, but we do not have the money to build it all at once. We are not land developers, but rather, a family that wants to live near our loved ones. Our budget allows us to start by building the first three units as outlined in red on the figure. The remaining units will be added in future years as our budget allows. Further details would be given in a future permit application.

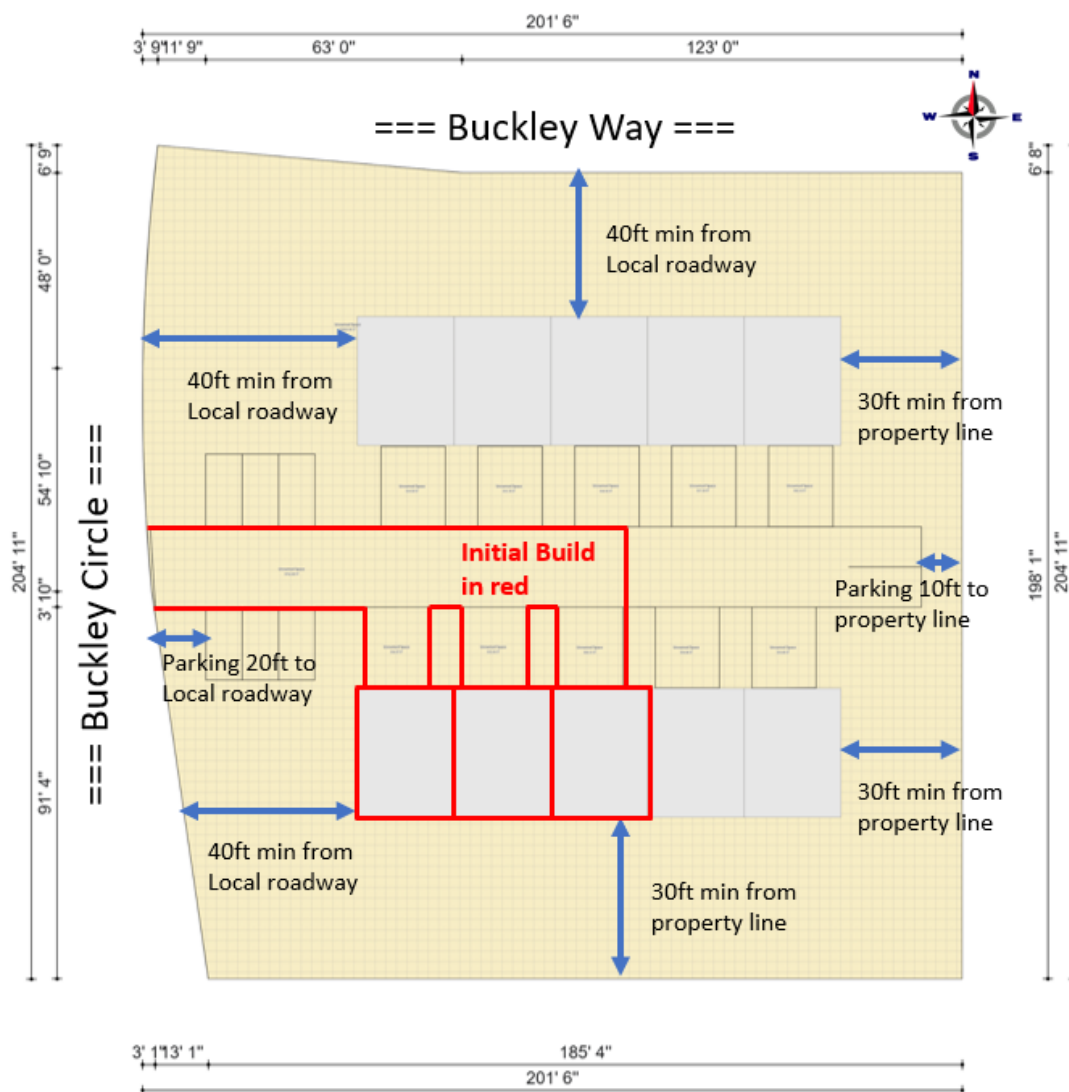


Figure 3: Overall plot design with dimensions and required property setbacks.

Unit Design

The design for a single unit is shown in Figure 4 below. Upon completion, each unit shall have 3 bedrooms and 2.5 bathrooms. We are planning to have a south-facing roof inclined for maximum sun exposure, because we want the whole roof covered in solar tiles. Hopefully this would be enough to power a completely electric house including the stove, dryer, water heater, and even an electric furnace. That would allow us to run on fully renewable energy produced on-site and forego any gas connection at all. Excess power can be fed back to the grid.

It is best to build higher for a solar roof to get above the tree line. Building high is cheaper than building a wide foundation, so this would allow the design to fit within the city's definition of affordable housing. Thankfully the slope of the land allows us to put a garage as the bottom level which will be below grade.



Figure 4: Layout of a single unit

Personal Story

This started with the crazy idea of wanting to live together with our loved ones nearby. We joked about building a multi-generational home for our family and having our friends next door as well. It was a ridiculous dream that everyone has, but no one pursues. Until it wasn't a dream anymore. We thought about the risks involved and ran the numbers. We could make it work.

The hardest part has been finding a small piece of land available for multi-family use. Most land with multi-family comprehensive plans is far too large for us to afford it. Even smaller pieces are very appealing to large developers that want to build apartment complexes, and we cannot compete with their offers. That is why we are requesting this amendment to the comprehensive land use plan. This parcel is a diamond-in-the-rough to us. The current business land use plan is clearly not working, because SBA loans won't touch this place. There have also been a couple big developers that have put offers on this land, but they have backed out as soon as they learned about the possible environmental contaminants. We are willing to put in the effort where no one else will to deal with testing and mitigating of any environmental issues. We are determined, hardworking people that are chasing a dream. No one will put as much effort into making this land beautiful as we will.



Planning Commission Report

MEETING DATE:	June 6, 2023
CASE NO:	23-22CUP
APPLICANT:	RhinoTech Supplies, Inc.
PROPERTY OWNER:	St. Paul Fire & Marine Insurance Company
REQUEST:	Conditional Use Permit
LOCATION:	6286 Claude Way
COMPREHENSIVE PLAN:	IOP, Industrial Office Park
ZONING:	I-1, Limited Industry
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The applicant is requesting the following:

- A Conditional Use Permit to allow manufacturing use within the existing building.

BACKGROUND

The applicant, RhinoTech Supplies, Inc., is a manufacturer of adhesive, chemicals, and equipment for the screen-printing industry. They are requesting a Conditional Use Permit (CUP) to allow for the manufacturing use out of the southernmost portion of an existing building.

The property is 4.61 acres and is connected to city utilities. The applicant is not proposing any building additions or adding any impervious surface to the site. Access to the property is not changing.

EVALUATION OF REQUEST

Surrounding Uses:

The following Land Uses, Zoning Districts, and Comprehensive Plan designations that surround the subject property:

North	Industrial	Zoned: I-1, Limited Industry	Guided: IOP, Industrial Office Park
West	Industrial	Zoned: I-1, Limited Industry	Guided: IOP, Industrial Office Park
South	Industrial	Zoned: I-1, Limited Industry	Guided: IOP, Industrial Office Park
East	Airport	South St. Paul	NA

SITE PLAN REVIEW

Setbacks. There are no building additions or changes to the exterior at this time.

Access. Access to the site is not changing; there are two access points off of Claude Way.

Lighting. There are no changes proposed to the existing site lighting.

Signage. Signage is not approved as part of the CUP request. Signage on the property shall follow Section 10-15E of the City Code. A building permit is required for any new signs or changes to the existing signs.

Fire Marshal Review. All plans shall be subject to the review and approval of the City Fire Marshal. The applicant has been working with the City Fire Marshal and Building Official to comply with fire and building code requirements.

Engineering. Engineering has reviewed the plans. There is no additional impervious surface being added and no changes being made to the existing parking lot. Engineering takes no exception to the request.

CONDITIONAL USE PERMIT (CUP)

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

1. The use is consistent with the goals, policies, and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.

The manufacturing use is consistent with the goals, policies, and plans of the 2040 Comprehensive Plan. The future land use of this parcel is Industrial Office Park, manufacturing uses are consistent with the uses envisioned in this district.

2. The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.

This standard would be met. Manufacturing is a Conditional Use in the I-1 Zoning District and would be consistent with the zoning.

3. The use would not be materially injurious to existing or planned properties or improvements in the vicinity.

This standard would be met. The proposed use would not create any adverse physical impacts upon the neighborhood. Manufacturing uses transplanted within a portion of an existing building are typically smaller scale and low impact. This would not be the sole use of the building.

4. The use does not have an undue adverse impact on existing or planned City facilities and services, including streets, utilities, parks, police and fire, and the reasonable ability of the City to provide such services in an orderly, timely manner.

The proposed request does not appear to have any negative effects on City facilities or services. The City Fire Marshal and Building Official would review and approve plans for building and fire code compliance prior to any issuance of building permits for use.

5. The use is generally compatible with existing and future uses of surrounding properties, including:

a) Aesthetics/exterior appearance

There are no exterior changes proposed to the site.

b) Noise

The proposed use would not generate noises that are inconsistent with industrial zoning.

c) Traffic

The proposed use will not have an impact on the existing traffic pattern in the industrial zoned area.

d) *Drainage*

No additional impervious surface is proposed; this condition is met.

e) *Fencing, landscaping and buffering*

Not applicable.

6. *The property is appropriate for the use considering: size and shape; topography, vegetation, and other natural and physical features; access, traffic volumes and flows; utilities; parking; setbacks; lot coverage and other zoning requirements; emergency access, fire lanes, hydrants, and other fire and building code requirements.*

The applicant would be renovating a portion of the existing building. The Fire Marshall and Building Official would be reviewing the site to be in compliance with fire and building codes.

The site and building are designed with ample parking and the use would not create any traffic or access issues.

7. *The use does not have an undue adverse impact on public health, safety or welfare.*

Staff is not aware of any public health, safety or welfare issues associated with the proposed.

This standard has been met.

8. *The use does not have an undue adverse impact on the environment, including, but not limited to, surface water, groundwater and air quality.*

The proposed use would not have an undue adverse impact on the environment.

ALTERNATIVES

The Planning Commission has the following actions available for the proposed request:

A. Approval. If the Planning Commission finds the application acceptable, the Commission should make the following recommendation:

- Approval of the Conditional Use Permit to allow manufacturing use in the southern portion of the existing building subject to the following conditions:
 1. All parking/drive aisles areas shall be properly marked and follow all fire and building code requirements.
 2. The applicant must apply for and obtain a building permit for any signage or building improvements.
 3. Operation of a new business may not commence until a Certificate of Occupancy is obtained from the City Inspections Department.
 4. The City Code Enforcement Officer, or other designee, shall be granted right-of-access to the property at all reasonable times to ensure compliance with the conditions of this permit.

B. Denial. If the Planning Commission does not support the Conditional Use Permit application, the Commission could recommend denial of the proposed request. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

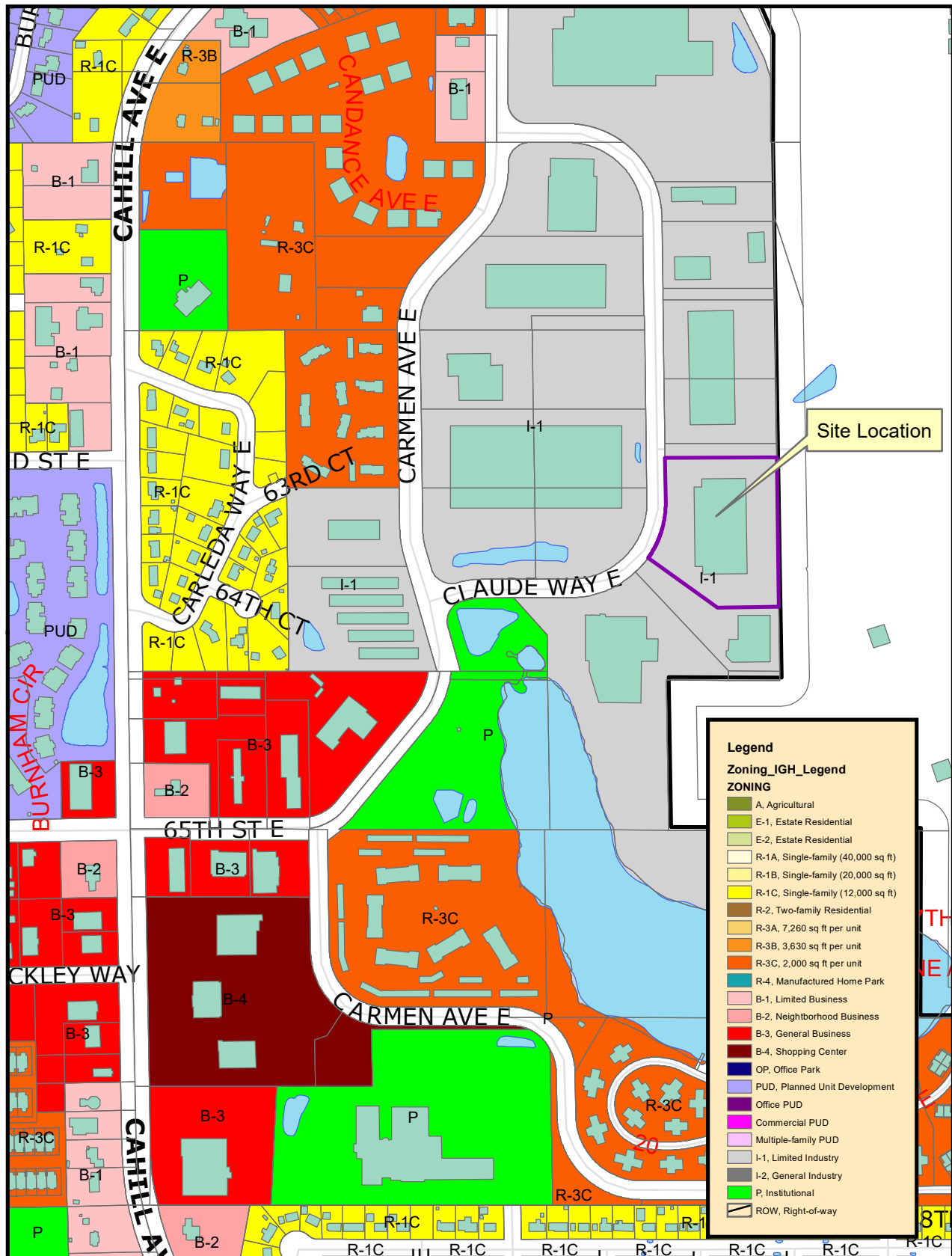
Based on the information in the preceding report and the conditions listed in Alternative A, Staff is recommending Approval of the Conditional Use Permit as presented.

ATTACHMENTS

1. Zoning and Location Map
2. Narrative
3. Site Plan



6286 Claude Way Case No. 23-22C



THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILED RECORD, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

Map produced by the City of Inver Grove Heights GIS Dept.
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Exhibit A
Zoning and Location Map

Map not to scale



May 3, 2023

City of Inver Grove Heights
Alan Hunting
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Dear Alan,

RhinoTech Supplies has been in business for 24 years.
We are a manufacturer of adhesive, chemicals, and equipment for the Screen-Printing industry.

We blend methylene chloride with a resin to create the adhesive.
The adhesive is used to bond a polyester mesh to an aluminum frame to create the screen-printing frame.

The chemicals we blend are used to remove the ink after the printing process has been Completed. These chemicals are typically Dibasic Esters and Glycol Ethers.

We also do some poly welding to build washout booths that these frames are used in.
We use hand tools and hand-held welders to build these.

Please let me know if any additional information is needed.

Thank you,

Todd Michaels
VP Operations
RhinoTech

RhinoTech Supplies, Inc.
2955 Lone Oak Circle, Unit 2, Eagan, MN 55121
Tel: 651-686-5027 E-mail: info@rhinotechinc.com
Fax: 651-686-9745 Web Page: www.rhinotechinc.com

PROPOSED REMODELING PLAN FOR:

Rhino Tech

6286 Claude Way East
Inver Grove Heights, MN

CONTACTS	
TENANT:	RHINO TECH
PROPERTY MGMT:	TRANSWESTERN 3775 NORTH DUNLAP ARDEN HILLS, MN 55112 (651) 481-8070 CONTACT: ALEX BARON/JOHN THOMPSON/CHRIS HANSEN
ARCHITECT:	TUNELL ARCHITECTS 1370 CHERRY HILL RD. MENDOTA HEIGHTS, MN 55118 (612) 799-4015 CONTACT: BRUCE TUNELL CONTACT: NANCY WOLF (612) 363-2204

CODE ANALYSIS	
BUILDING CODES:	2020 MINNESOTA BUILDING CODE 2020 MINNESOTA ACCESSIBILITY CODE 2020 MINNESOTA ENERGY CODE (ANSI/ASHRAE/IES STANDARD 90.1-2010) 2020 MINNESOTA STATE FIRE CODE 2020 MINNESOTA PLUMBING CODE 2020 MINNESOTA MECHANICAL AND FUEL GAS CODE MINNESOTA ELECTRICAL CODE(2020 NEC)
BUILDING S.F.:	60,260 S.F.
CONSTRUCTION TYPE:	II-B
SPRINKLER SYSTEM:	PROVIDED THROUGHOUT
SMOKE & HEAT VENTS:	NOT REQUIRED
TENANT SPACE:	
OCCUPANCY CLASSIFICATION:	B/F1/S1
SEPARATION OF OCCUPANCIES:	NON-SEPARATED USES-FIRE SEPARATIONS NOT REQUIRED (IBC 508.3)
EGRESS:	OFFICE - 1,498 S.F./150 = 10 OCCUPANTS 1 EXIT REQUIRED, 1 PROVIDED PRODUCTION - 1,386 S.F./200 = 7 OCCUPANTS 1 EXIT REQUIRED, 2 PROVIDED WAREHOUSE - 8,479 S.F./500 = 17 OCCUPANTS 1 EXIT REQUIRED, 3 PROVIDED
EXIT ACCESS:	EXIT ACCESS TRAVEL DISTANCE (TABLE 1017.2): B - 300', F1/S1 - 250'
COMMON PATH OF TRAVEL:	COMMON PATH OF EGRESS TRAVEL (TABLE 1006.3.3[2]): B,F,S - 100'
CORRIDOR RATING:	CORRIDOR FIRE-RESISTANCE RATING (TABLE 1020.1): B,F,S - 0 HOUR
CORRIDOR WIDTH:	MINIMUM CORRIDOR WIDTH (TABLE 1020.2): 36"
PLUMBING FIXTURES:	OCCUPANTS PER USE (PER TABLE 2902.1) OFFICE, PRODUCTION & WAREHOUSE: 34 OCCUPANTS OFFICE - WATER CLOSETS: 1 TOILET PER 25 OCC., FIRST 50 OCC.; 1 TOILET PER 50 OCC. AFTER FIRST 50 OFFICE - LAVS: 1 LAV PER 40 OCC., FIRST 80 OCC.; 1 LAV PER 80 OCC. AFTER FIRST 80 PROD./WHSE. - WATER CLOSETS: 1 PER 100, LAVATORIES: 1 PER 100 FRACTIONAL NUMBER PER OCCUPANCY (PER SEX): OFFICE - WATER CLOSET: .20, LAVATORIES: .13 PROD./WHSE. - WATER CLOSET: .12, LAVATORIES: .12 TOTAL WATER CLOSET: .32, LAVATORIES: .25 FIXTURES REQUIRED/PROVIDED: TOTAL WATERCLOSETS REQUIRED: 1 MEN, 1 WOMEN TOTAL WATERCLOSETS PROVIDED: 2 MEN, 1 WOMEN TOTAL LAVS REQUIRED: 1 MEN, 1 WOMEN TOTAL LAVS PROVIDED: 2 MEN, 1 WOMEN
DRINKING FOUNTAIN:	DRINKING FOUNTAIN NOT REQUIRED PER TABLE 2901.1, FOOTNOTE H
SERVICE SINK:	1 REQUIRED & PROVIDED

DEMOLITION KEY/NOTES	
DEMOLITION WALL LEGEND	
————	EXISTING WALL/ITEM TO REMAIN AS-IS
- - - - -	WALL/ITEM TO BE REMOVED
GENERAL DEMOLITION NOTES	
• THE DEMOLITION PLAN GENERALLY DESCRIBES THE SCOPE OF WORK & DOES NOT NECESSARILY INDICATE ALL MATERIALS TO BE REMOVED. CONTRACTOR TO BE RESPONSIBLE FOR DEMOLITION & DISPOSAL OF ALL MATERIALS UNLESS OTHERWISE NOTED, AND WILL COORDINATE MATERIALS MOVEMENT WITH BUILDING MANAGEMENT. • PROPERLY TERMINATE PLUMBING (CAP AND PLUG ABANDONED DRAINS), ELECTRICAL & MECHANICAL ITEMS ABANDONED DURING DEMOLITION. SCHEDULE & OBTAIN APPROVAL FOR BUILDING SERVICE INTERRUPTION IN ADVANCE WITH BUILDING MANAGEMENT. • REPAIR EXISTING CONSTRUCTION REMAINING AT DEMOLITION TO MATCH ADJACENT CONSTRUCTION. PROVIDE APPROPRIATE BASE FOR NEW FINISHES. • PROTECT & PRESERVE REMAINING AREAS & REUSABLE ITEMS. CONTRACTOR TO PROVIDE FLOOR MATS TO REDUCE SOILING OF ADJACENT AREAS. • RETURN REMOVED REUSABLE ITEMS TO BUILDING OWNER/MANAGEMENT. • REMOVE EXISTING DOORS, FRAMES, SIDELIGHTS & HARDWARE AS SHOWN. SALVAGE FOR POSSIBLE REUSE OR RETURN TO OWNER'S STOCK. • REMOVE EXISTING WALL OR PORTION OF WALL AS INDICATED. PATCH & REPAIR AT WALL DEMOLITION.	

DEMOLITION KEY NOTES	
1	REMOVE PORTION OF EXISTING SLAB AS NEEDED FOR NEW TRENCH DRAIN.
2	REMOVE EXISTING DOOR, FRAME & HARDWARE.



2
A1

PROJECT LOCATION
N.T.S.

NORTH

1
A1

DEMOLITION FLOOR PLAN
3/32" = 1'-0"

NORTH

BID PLAN ONLY, NOT FOR CONSTRUCTION

PROPOSED REMODELING FLOOR PLAN FOR:

6286 Claudeway East, Inver Grove Heights, MN

DEMOLITION
PLANS, NOTES
CODE ANALYSIS

DATE
05/01/23

A1

PROJECT NO.
23011

Wolf's
Drafting &
Design

8214 Aberdeen Trail
Northfield, MN 55057
(612) 363-2204
nwolf803@msn.com

Tunell
Architects

1370 Cherry Hill Rd
Mendota Heights, MN
55118

PROPERTY MANAGER:

TRANSWESTERN®
The Performance Advantage in Real Estate

3775 NORTH DUNLAP
ARDEN HILLS, MN 55112
(651) 481-8070
(651) 481-0830
FAX
COMMERCIAL REAL ESTATE

REVISIONS

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ROOM FINISH SCHEDULE												
NO.	ROOM NAME	FLOOR				WALLS				CEILING	REMARKS	
		MATL 1	MATL 2	MATL 3	BASE FINISH	NORTH FINISH	SOUTH FINISH	EAST FINISH	WEST FINISH			
100	VESTIBULE	CT	--	--	CT PAINT	PAINT	PAINT	PAINT	PAINT	EX	EX	EX
101	OFFICE	CPT	--	--	VB PAINT	PAINT	PAINT	PAINT	PAINT	EX	EX	EX
102	OFFICE	CPT	--	--	VB PAINT	PAINT	PAINT	PAINT	PAINT	EX	EX	EX
103	OPEN OFFICE	CPT	--	--	VB PAINT	PAINT	PAINT	PAINT	PAINT	EX	EX	EX
104	OFFICE	CPT	--	--	VB PAINT	PAINT	PAINT	PAINT	PAINT	EX	EX	EX
105	HALL	CPT	--	--	VB PAINT	PAINT	PAINT	PAINT	PAINT	EX	EX	EX
106	OFFICE	CPT	--	--	VB PAINT	PAINT	PAINT	PAINT	PAINT	EX	EX	EX
107	BREAKROOM	VC	--	--	VB PAINT	PAINT	PAINT	PAINT	PAINT	EX	EX	EX
108	WOMEN	EX	--	--	EX PAINT	PAINT	PAINT	PAINT	PAINT	EX	EX	EX
109	MEN	EX	--	--	EX PAINT	PAINT	PAINT	PAINT	PAINT	EX	EX	EX
110	PRODUCTION	EXP. CONC	--	--	-	-	-	-	-	EXP	EX	EX
111	WAREHOUSE	EXP. CONC	--	--	-	-	-	-	-	EXP	EX	EX
112	ELECTRICAL	EXP. CONC	--	--	-	-	-	-	-	EXP	EX	EX
NOTES: 1. PREP SURFACES WHERE WALLS & ITEMS HAVE BEEN REMOVED OR ADDED. ALL WALLS TO BE SMOOTH FINISH DRYWALL WITH NO TEXTURE. TOUCH UP EXISTING PAINT AS NEEDED. 2. WALLS TO BE PAINTED WITH (1) COAT OF LATEX PRIMER & (2) COATS OF LATEX EGGSHELL FINISH. 3. FINAL FINISH SELECTIONS TO BE DETERMINED.								KEY: CT EXP. CONC. CPT VB PAINT/PT ACT ACCT PF EX EXP EXPOSED		CERAMIC TILE EXP. EXPOSED CONCRETE CARPET TILE VINYL BASE PAINT ACOUSTICAL CEILING TILE PREFINISHED EXISTING EXP. EXPOSED		

DOOR SCHEDULE

Door #	Door Size	Door Type	Door Finish	Lite	Frame Type	Frame Finish	Fire Rating	Hardware Grp.	Remarks
112A	PR. 3'-0" x 7'-0" x 1 3/4"	D1	PAINT	-	F1	PAINT	N.R.	1	

HARDWARE GROUP

GROUP 1

(Interior pair, lockset)

3 pr. butts

1 ea. lockset Schlage ND10S

1 ea. door stop

NOTES:

1. ALL DOORS BE OPENABLE FROM THE INSIDE BY ONE MOTION WITHOUT THE USE OF A KEY.

2. HARDWARE FINISH TO MATCH BUILDING STANDARD.

DOOR/FRAME TYPES

- MATCH EXISTING STYLE & FINISH

2" SEE SCHED.

SEE SCHEDULE

F1

H.M. FRAME

PAINTED

D1

H.M. DOOR

PAINTED

REMODELING KEY/NOTES

REMODELING WALL LEGEND

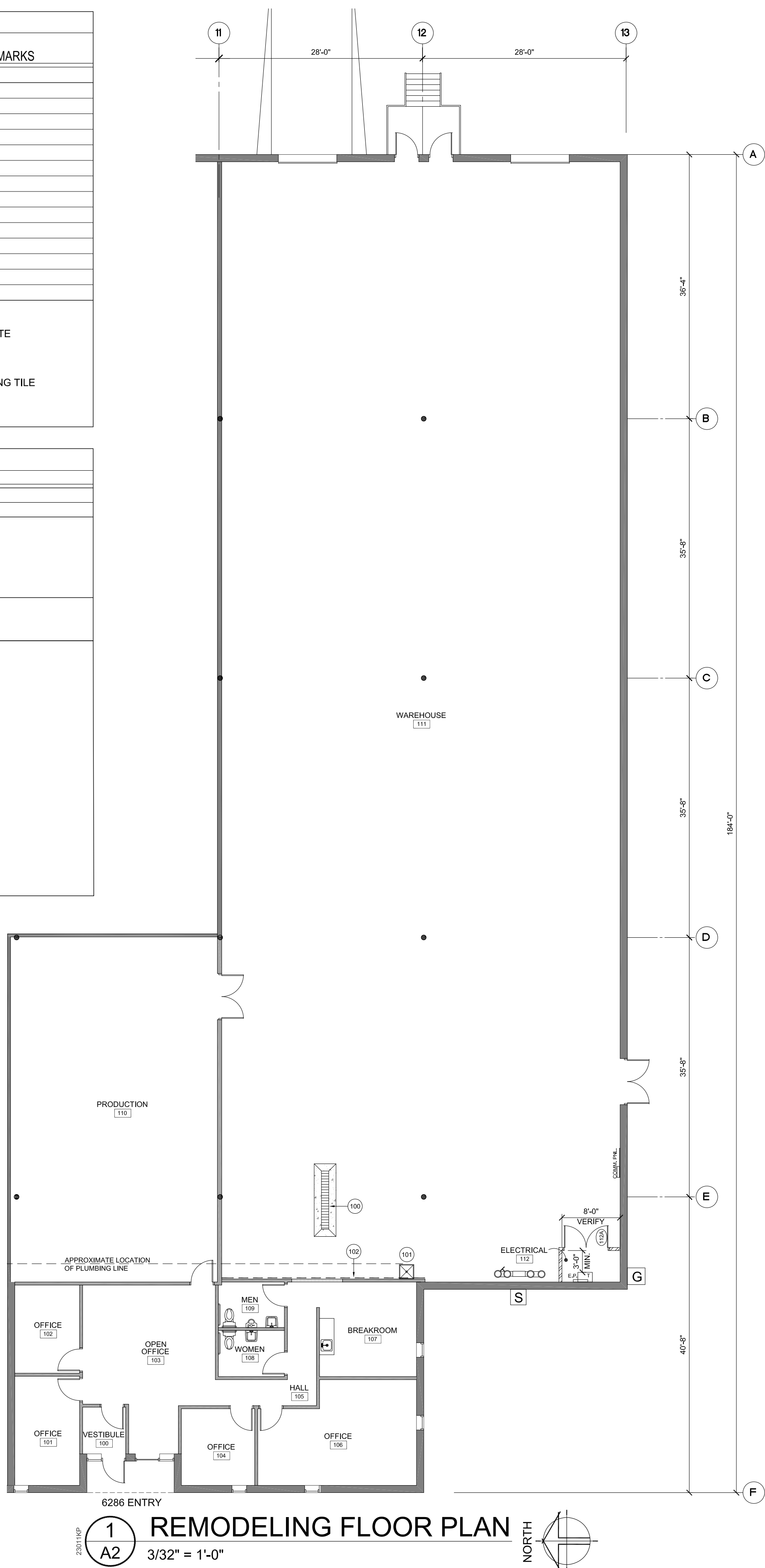
- EXISTING WALL/ITEM TO REMAIN AS-IS.
- PARTITION TO 9'-0" A.F.F.
3 5/8" METAL STUD @ 24" O.C. W/ 5/8" GYP. BOARD EACH SIDE, TAPE, SAND & FINISH.
- CLOSE-UP OPENING
3 5/8" METAL STUDS @ 24" O.C. WITH 5/8" GYP. BOARD EACH SIDE, FILL STUD CAVITIES WITH BATT INSULATION, TAPE, SAND & FINISH

REMODELING GENERAL NOTES

- PATCH & PREP WALLS & FLOORS AS NEEDED WHERE ITEMS HAVE BEEN REMOVED.
- SEE DOOR SCHEDULE FOR DOOR/FRAME/HARDWARE TYPES.
- SEE ROOM SCHEDULE FOR FINISH INFORMATION.
- ALL CONTRACTORS TO FIELD VERIFY EXISTING DIMENSIONS & CONDITIONS. DESIGNER/ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES BETWEEN DRAWINGS & FIELD CONDITIONS.
- ALL SUBCONTRACTORS RESPONSIBLE TO MEET CODE REQUIREMENTS.
- MECHANICAL, ELECTRICAL & SPRINKLER WORK TO BE DESIGN/BUILD. MECHANICAL, ELECTRICAL & SPRINKLER CONTRACTORS RESPONSIBLE FOR MEETING ALL CODE REQUIREMENTS. MECHANICAL, ELECTRICAL & SPRINKLER CONTRACTORS TO SUBMIT SHOP DRAWINGS FOR CITY APPROVAL.
- PROVIDE AND INSTALL FIRE EXTINGUISHERS IN CABINET PER CODE (1/75 FT. TRAVEL DISTANCE IN ALL OCCUPIED AREAS).
- REVIEW OUTLET & LIGHTING REQUIREMENTS WITH TENANT.
- PROVIDE SPRINKLER HEADS PER CODE.
- PROVIDE EMERGENCY LIGHTS & EXIT SIGNS AS REQUIRED BY CODE.
- LABEL ALL CIRCUITS FOR DEVICES SERVED.

REMODELING KEY NOTES

- 100 SLAB TO INSTALL TRENCH DRAIN WITH FLAMMABLE WASTE TRAP. PATCH CONCRETE AS REQUIRED. SLOPE SLOPE TOWARDS DRAIN. CENTER NEW TRENCH IN ROOM. APPROXIMATE LENGTH OF DRAIN NOTED. VERIFY FINAL LENGTH WITH TENANT.
- 101 2' x 2' FLOOR MOUNTED MOP SINK WITH WALL MOUNT FAUCET & HOSE. SET 8' HIGH FRP ON WEST WALL.
- 102 EXTEND WALLS ALONG DASHED LINES FROM FLOOR TO ROOF DECK WITH 3 5/8" METAL STUDS WITH 5/8" GYP. BOARD ONE SIDE.



BID PLAN ONLY, NOT FOR CONSTRUCTION